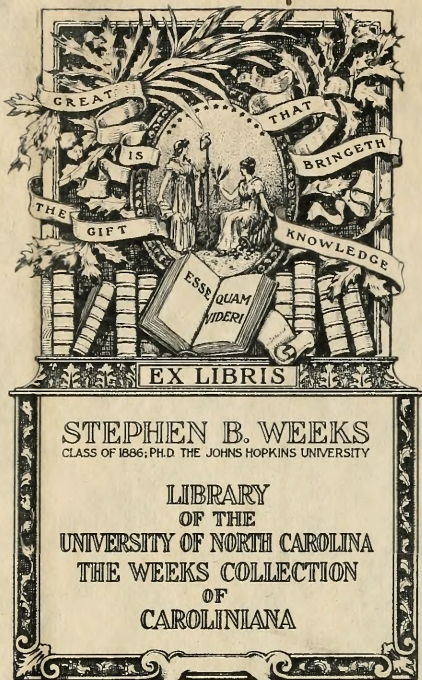


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THE



LAWS

OF

THE STATE OF

NORTH-CAROLINA,

ENACTED IN THE YEAR,

1817.

Transmitted according to Law, to

One of the Justices of the Peace for the county of



Raleigh :

PRINTED BY THOMAS HENDERSON, STATE PRINTER.
1818.

LAWS

OF

NORTH-CAROLINA,

Enacted by a General Assembly begun and held at Raleigh, on the seventeenth day of November, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-second year of the Independence of the said State.

1817.

John Branch, Esquire, Governor.

CHAPTER I.

An Act to provide a Revenue for the payment of the Civil List and Contingent Charges of Government for the year one thousand eight hundred and eighteen.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Justices of the Peace appointed to take lists of taxable property within the several counties in this state, according to the directions of the act of the General Assembly, passed in the year one thousand eight hundred and one, entitled 'An act to fix an uniform time for taking the lists of taxable property throughout the state and for enforcing the collection of taxes,' shall, after giving due notice thereof according to the directions of the before recited act, require each and every person or persons liable to pay a land tax by lease or otherwise, to list each and every tract of land by him, her or them holden within the county, stating the number of acres of each separate tract, its local situation and its reasonable value, including the improvements thereon; and guardians of minors, lunatics and persons *non compos mentis* shall in like manner list the lands of their wards and of such lunatic and persons *non compos mentis*: And each and every person or persons liable and bound to list lands as aforesaid, shall return the said list upon oath or affirmation (as the case may be) as it respects the quantity, and shall affix a value to each tract of land including the improvements thereon contained in the said list, not less than the value affixed to the same by the board of principal assessors under the last act of Congress, providing for the assessment of lands of the United States. And it shall be the duty of the Justices of the Peace by whom the lists of taxables are taken, to return to the clerk of the court, with his list of taxables, the abstract of assessment furnished him by the clerk: *Provided nevertheless* that if any person or persons shall consider himself or themselves aggrieved by the said as-*

Manner of
levying tax-
es.

Guardians
to list the
lands of
their wards.

Standard of
Assessment.

LAWS OF NORTH-CAROLINA.

1817. { assessment, he, she or they may apply to the county court of the County in which the said lands are situate, and upon making it appear to the satisfaction of the said Court that the said assessment is unreasonable, the said Court may proceed to correct the same; and in all cases where by reason of improvements made on the said lands since the said assessment was made, or by any other cause, the Justice receiving said list shall be of opinion that the said assessment is below the real value of the said land with its improvements; he shall appoint two Freeholders acquainted with the said land, to value the said land upon oath, and such persons shall receive a compensation for their services, of one dollar each, for every day they may be engaged in valuing the said lands, to be paid by the owners of lands: *Provided*, the valuation made by said persons shall exceed that returned to the Justice by the owner of the land, and in case the valuation shall not exceed that returned by the said owner, the compensation aforesaid shall be paid by the county: *Provided* that where a tract of land shall be partly in two or more Counties, the person who shall be bound to list the same shall list the same in the county where he or she resides, if he or she resides in either of the said counties, and if not, then he or she may list the same in either of said counties.

Double tax,
failing to
give in.

II. *Be it further enacted*, That if any person holding lands, or any guardian of a minor, lunatic or person *non compos mentis*, shall fail to list the lands which he is bound to list by this act, he or she shall pay a double tax to be collected by the sheriff out of his or her property, by distress or other mode heretofore used in such cases.

Returns to
be made to
Comptrol-
ler.

III. *Be it further enacted*, That the Justices appointed as aforesaid shall make out a fair copy of the lists of lands by them taken in alphabetical order with the number of acres, and valuation annexed, and return the same together with the list of other taxable property by them taken, to the Clerk of the County Court at the next succeeding Court which may happen after the time prescribed by law for taking the lists of taxable property: And the Clerks of the several County Courts are hereby required, under the same penalties, regulations and restrictions as are already by law enjoined, to return to the Comptroller on or before the first day of September in each and every succeeding year thereafter, an abstract of such lists, shewing the number of acres of land so listed, the valuation thereof, the valuation of town property, the number of white polls, of black polls, of wholesale stores, of retail stores, of stud horses, of jack asses, of gates and of every species of property separate and distinct, liable to pay a tax, and which shall be contained in the said lists.

IV. *Be it further enacted*, That in case any of the Justices

appointed to take the lists of taxable property, shall fail to take and return the same according to the provisions aforesaid, it shall be the duty of the County Court to which the said return should have been made, to appoint some other Justice of Peace, whose duty it shall be to take the lists of taxable property in said district and to make a return thereof to the succeeding County Court. 1817.

V. *Be it further enacted*, That the Clerks of the several County Courts shall, within forty days after the Justices shall have made their returns deliver to the sheriffs of their respective counties, a fair and accurate copy of the returns made by the Justices aforesaid, in alphabetical order, and shall annex to the valuation of each person's property the amount of taxes due thereon, and in case of failure thereof, be under the same rules and penalties as are already prescribed by law; and the respective Sheriffs shall proceed after the first day of April in each and every year, to collect the said taxes, and shall account for the same on or before the first day of October in each and every year, under the same rules, regulations and penalties as are now by law prescribed. Clerks required to furnish sheriffs with lists.

VI. *Be it further enacted*, That if any person owning lands in any county within this state, or any non-resident shall fail to return, either by himself or agent, to the Justice appointed to take the list of taxable property in the district in which he resides, or in which the land of such non-resident may be situated, a list of his or her lands, with the number of acres and their valuation in manner herein before prescribed, it shall be the duty of the said Justices to appoint a freeholder acquainted with the lands, to value the same on oath within five days and return the valuation to the said Justice; and the said freeholder shall receive a compensation of one dollar for each tract by him valued, to be levied and collected by the sheriff at the time he collects the taxes on said land, if not previously paid by the owner, and under the same rules, regulations and restrictions. Lands of non-residents.

VII. *Be it further enacted*, That where any person shall have failed, either by himself or herself, agent or guardian, to list his, her or their lands, and the Justice appointed to take the lists of taxable property, shall have failed to have the same assessed according to the provisions aforesaid, it shall be the duty of the sheriff within the time prescribed for collecting taxes, to summon one freeholder residing near to or acquainted with the lands, whose duty it shall be within five days after such notification, to value said lands on oath, which oath the sheriff or his lawful deputy is hereby authorised to administer; and it shall be the duty of such freeholder, summoned as aforesaid, to transmit under his hand a fair transcript of such valuation to the Clerk of the County Court at or Where land has not been listed or assessed.

Shubert

1817. before the succeeding County Court, and also to deliver to the sheriff another transcript of the same within ten days after the valuation aforesaid, and that the said free-holder shall receive a compensation for his services as assessor, of one dollar for every tract of land by him assessed, to be levied and collected by the sheriff at the time he collects the taxes on said land, if not previously paid by the owner; and the Clerk of the County Court shall incorporate the returns made by the free-holders aforesaid, with those made by the Justices.

Where
lands are
not given in

VIII. *Be it further enacted*, That where any person owning lands in any county of this state, shall have failed to give in the same for the year one thousand eight hundred and eighteen, or where the same has been given in, but no value affixed thereto, it shall be the duty of the sheriff at the time he collects the taxes for the said year, to summon a free-holder acquainted with said land, to value the same upon oath, which free-holder shall be allowed one dollar for each tract by him valued; and the sheriff shall collect and account for the taxes due on the said land, under the same rules, regulations and restrictions as are provided by law for collecting and accounting for taxes due on property not listed, and shall at the same time levy, collect and pay over to the said free-holder, the sum due to him for making the valuation aforesaid.

Valuation
to be made
in dollars &
cents.

IX. *Be it further enacted*, That the valuation of lands and their improvements as required by this act, shall be made in Dollars and Cents, and the lands liable to be sold for taxes shall be sold under the same rules, regulations and restrictions, as are by law already established, and town property shall be given in and assessed in the manner prescribed in this act for other real estate.

Penalty fifty
dollars
for refusing
to assess.

X. *Be it enacted*, That any person summoned or appointed by the Justices or Sheriffs as aforesaid to value lands, who shall refuse or fail to perform the duties required by this act, shall forfeit and pay the sum of fifty Dollars, to be recovered in the name of the County Trustee to the use of the County, and the said penalty may be recovered by indictment.

Tax of six
cents on ev-
ery \$100 va-
lue

XI. *Be it further enacted* That for the year one thousand eight hundred and eighteen, there shall be levied and collected from all the real property with improvements thereon within this state, subject to taxation, the sum of six cents on every hundred dollars value thereof.

On stud-
horses and
jacks.

XII. *Be it further enacted*. That a tax on all stud horses, and jack asses within this state of the full sum which the owner or keeper of such stud horses or jack asses shall ask, demand or receive for the season of one mare, shall be levied, collected and accounted for in the same manner as such taxes have heretofore been levied, collected and accounted for.

On Pedlars.

XIII. *Be it further enacted*, That each and every person

Who shall peddle or hawk in any county in this state and not on a navigable stream, goods wares or merchandize not of the growth or manufacture of this state, or jewelry, shall pay to the sheriff of each and every county in which he, she or they shall so peddle or hawk goods, wares or merchandize, or jewelry, the sum of nine dollars as a tax on every cart, wagon or other vehicle employed in the transportation of the said goods, wares or merchandize; provided, that should two or more persons employ only one cart, wagon or other vehicle, to transport their goods, wares and merchandize, each and every of them shall pay the aforesaid tax on the said cart, wagon or other vehicle employed by them: Nor shall any thing in this act be construed to authorise two or more persons, under the pretence of being partners in trade, to peddle and hawk goods, wares and merchandize under the same licence; which tax shall be accounted for by the sheriff in like manner as other taxes, and on paying said tax and obtaining a receipt therefor, such person shall be authorised and permitted to peddle and hawk goods or jewelry as aforesaid in such county and no other, for the term of one year thereafter, and any person selling merchandize at auction in any county of which he shall not be a resident, and of which he shall not have been a resident at least twelve months before such sale, shall be considered a pedlar and be subject to this act as other pedlars, and shall further more be subject to pay the tax imposed by law on sales at auction, in all cases where by law a tax is imposed on sales at auction, and every person who shall peddle or hawk goods, wares or merchandize not of the growth or manufacture of this state, except vegetables and other articles of provision of the produce of the United States, on any navigable stream in this state shall pay the sheriff of each and every county in which he or she shall so hawk or peddle, twenty five dollars as a tax to the state, to be levied and accounted for as above, and on payment thereof, shall be authorized and permitted to peddle and hawk goods as aforesaid in such county and no other for the term of one year thereafter, and each and every person who shall hawk or peddle in any county without having previously paid the tax thereon, and having obtained a licence as hereinafter directed, or who shall refuse or neglect upon request by the sheriff or his lawful deputy, or any Justice of Peace to shew a license therefor, shall be liable to forfeit two hundred dollars, to be collected by the sheriff of said county by distress and sale of the property of such delinquent, and to be applied, one half to the use of the state, the other half to the use of the sheriff; *Provided nevertheless*, that nothing in this act contained shall intend to tax persons who sell books only.

XIV. *And be it further enacted*, That the Comptroller

1817. shall issue to the respective sheriffs, blank licences to hawk and peddle goods within this state, who shall upon application of any person or persons desirous to hawk and peddle goods, countersign and issue the same to the persons so applying, upon his paying the taxes hereby imposed, and that all licences so issued by the Comptroller and delivered to any sheriff shall stand as a charge against said sheriff for the amount of said licenses and the sheriff shall be entitled in the settlement of his public accounts to a credit for all licences not issued and countersigned, which he shall return to the Comptroller and that the comptroller shall issue and deliver to the members of the General Assembly, to be delivered to the respective sheriffs, not less than twenty licenses for each county, before the rise of this General Assembly; and should any sheriff who shall have received any licenses as aforesaid, resign or the term of his office expire without having issued the licences so delivered to him, he shall deliver the same to his successor, and the receipt of such successor shall be allowed said sheriff in his settlement with the Comptroller.

Mode of issuing licences.

XV. *And be it further enacted*, That every merchant who shall sell goods, wares or merchandize not of the growth and manufacture of his state in any store to the amount of four hundred dollars in one year, shall pay a tax on each and every such store, if a wholesale merchant sixteen dollars, and if a retail merchant six dollars, and every such merchant shall give such store or stores in the list of his taxable property under the same rules and regulations as other taxable property is given in, and the tax thereon shall be levied, collected and accounted for in the same manner as other taxes: Provided always, that no retailer of spiritous liquors by the small measure shall be liable to pay in addition to the tax imposed on said retailers the tax also imposed on stores, unless such retailers shall sell such goods, wares and merchandise other than liquors to the amount herein stated, and provided also that the sheriff may be entitled to demand and collect the tax imposed by this section from such persons also as keep stores for a less time than one year and sell thereout the amount herein before specified, although such stores were not open the first day of April.

On wholesale and retail stores.

XVI. *And be it further enacted*, That owners of billiard tables shall hereafter give them in, in the same manner as other taxable property, and shall pay for each billiard table a tax of five hundred dollars, to be levied collected and accounted for in the same manner as other taxes, and the sheriff shall collect the tax on billiard tables within his county whether the same shall have been there on the first day of April or not, and whether the same shall have been erected on that day or not, unless the person having such table in

Five hundred dollars on Billiard Tables.

1817.

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possession shall produce the receipt of the sheriff of some other county for the said tax; and if the tax on a billiard table shall be unpaid after the same is due, and after having duly advertised the same, the sheriff shall expose the same to sale, and if no person bid for the said table the amount of the tax and charges, the sheriff shall bid off the same and immediately thereafter, in presence of two Justices or two Freeholders, and burn and destroy the same and every part thereof, and upon the affidavit of said sheriff and attestation of the justices or freeholders, the said sheriff shall be allowed the same in his settlement with the Treasurer.

XVII. *And be it further enacted,* That every company of itinerant stage players, rope dancers, tumblers, and wire dancers and each and every itinerant person or company who shall exhibit natural or artificial curiosities of any sort or kind for reward, shall previously to performing or exhibiting in any county in this state, pay to the sheriff thereof twenty dollars as a tax to the state, to be accounted for by the sheriff as other taxes and on paying such tax and obtaining a receipt therefor, such person or company shall be authorized and permitted to perform or exhibit as aforesaid in such county and no other for the space of one year thereafter, and each and every itinerant stage player, rope dancer, tumbler, or wire dancer, or exhibitor of natural or artificial curiosities for a reward, who shall perform or exhibit in any county without previously having paid the tax herein directed, shall be liable to a forfeiture of sixty dollars, to be collected by the sheriff of said county by distress and sale of property of such delinquent, and be applied one half to the use of the state and the other half to the use of the sheriff.

On Itinerant  
players,  
&c.

XVIII. *And be it further enacted,* That a tax of five dollars be, and the same is hereby laid on gates which may have been or which hereafter may be at any time erected across any public road or highway within this state, and the owners of such gates shall give in the same at the same time they give in their taxable property, and the tax shall be levied, collected and accounted for in the same manner as other taxes.

On public  
Gates.

XIX. *And be it further enacted,* That for the year one thousand eight hundred and eighteen, a tax of twenty cents on each and every free poll, and a tax of twenty cents on each and every black poll shall be levied and collected under the same rules regulations and restrictions as poll taxes have heretofore been collected.

Poll Tax.

XX. *And be it further enacted,* That all free males between the ages of twenty-one and forty-five years, and slaves between the ages of twelve and fifty shall be subject to a poll tax, and all slaves shall be listed in the county where they reside.



1817.

On Negro  
Traders of  
\$5 for each  
slave.

*XXI. And be it further enacted,* That all persons who shall bring negro slaves from another state into this state for sale, or shall take negroes through any part of this state for any other state for sale, shall pay the sheriff of some one of the counties, the sum of five dollars upon each negro slave so brought; and it shall be the duty of the respective sheriffs in this state and their deputies to collect the tax hereby imposed; but if the said person or persons shall produce to the sheriff of any one county the certificate of the sheriff of any other county, duly authenticated under the seal of the clerk of the county in which such sheriff resides, that he has paid the tax hereby imposed, he or they shall be permitted to proceed without the payment of any further tax; and it shall be the duty of the sheriff and his deputy of each county into which any such negro slave shall be carried by any person or persons whatsoever, to seize every such negro or slave until the tax hereby imposed is paid, or until the person or persons in whose possession said negro slaves may be, shall produce to said sheriff or his deputy the receipt of the sheriff of some other county duly certified as above in the state, that the tax hereby imposed has been paid, or until he shall produce to said sheriff or his deputy, a certificate from the clerk of some court of record of the state from which said negro slaves may have been removed, duly certified according to law, that said negro slaves are not removed for sale, which certificate shall contain the name or names of each and every negro or slave so removed.

Sheriff's  
oath.

*XXII. And be it further enacted,* That each sheriff upon settling his accounts with the Comptroller, County Trustee and County Wardens within their respective counties for the preceding year, shall make and subscribe an affidavit that he has duly accounted for in his settlement for all taxes received by him under this act upon any occupation, article or thing not included in the lists of taxable property furnished to the clerk of his county, and shall append to the said affidavit a list of all such taxes so by him received and the names of the persons from whom he received the same, and set forth opposite to each item the occupation, article or thing for which the said taxes were received: And whereas, sheriffs after they have made their settlements with the Comptroller, may collect taxes from delinquents, and there is no security for their accounting for the taxes so collected.

Respecting  
delinquents.

*XXIII. Be it further enacted,* That in addition to the oath now required to be taken by sheriffs on settling with the Comptroller, said sheriff shall swear that if he collects any delinquent tax beyond those accounted for in said settlement, he will render a true account thereof to the Comptroller within one year after such collection, and if it shall be dis-



covered that any sheriff, or any person by virtue of having 1817.  
 been sheriff, shall collect delinquent taxes and shall not ac-  
 count for the same as herein required, such sheriff or other  
 person shall be liable to pay four fold the amount of the sum  
 so collected and not accounted for, to be recovered in the  
 name of the state before any jurisdiction having cognizance  
 thereof.

XXIV. *And be it further enacted*, That the sheriffs of the  
 several counties in this state shall in future be allowed the <sup>§ 3 allow-</sup>  
 sum of three dollars for the day they be engaged in making <sup>ed Sheriffs.</sup>  
 their settlements with the Treasurer, to be paid by the Treas-  
 urer.

Read three times and Ratified in General Assembly, 2  
 the 23d day of December, A. D. 1817.

B. YANCEY, S. S.  
 JA. IREDELL, S. H. C.

A true Copy, WM. HILL, Secretary.

## CHAP. II.

*An act to alter the mode of punishing the crime of Horse Stealing.* Clergiable

*BE it enacted by the General Assembly of the State of North-*  
*Carolina, and it is hereby enacted by the authority of the same,*  
 That the crime of Horse Stealing shall in future, in the first  
 instance be considered as a clergiable felony.

II. *And be it further enacted*, That if any person shall be  
 found guilty of feloniously stealing any horse, mare, gelding,  
 jack ass, or mule within the limits of this state, for the se- <sup>Death for</sup>  
 cond offence such person shall suffer death without benefit of <sup>the 2d.</sup>  
 clergy; any law to the contrary notwithstanding.

## CHAP. III.

*An act to increase the penalty for neglecting or refusing to work*  
*on the Public Highways within this state.*

*BE it enacted by the General Assembly of the State of North-*  
*Carolina, and it is hereby enacted by the authority of the same,*  
 That the sum of ten shillings per day shall be recovered from  
 any person or persons liable to work on any of the highways <sup>Fine of</sup>  
 in this state, who shall refuse or neglect to attend and per- <sup>\$1 per day.</sup>  
 form the services required by law.

II. *And be it further enacted*, That in all cases where the  
 several overseers of roads are compelled to warrant their  
 hands for neglect or refusal to perform their duty, and the  
 said defendants are unable to discharge said judgment and <sup>In case of</sup>  
 costs, it shall be the duty of the respective county courts in <sup>insolvency.</sup>  
 this state to pay the costs upon the aforesaid warrants, *Pro-*  
*vided*, that the defendant shall first have taken the benefit of  
 the act for the relief of insolvent debtors.

III. *And be it further enacted* That all persons owning  
 slaves liable to work on any public highway, who shall refuse



1817. or neglect to send their slaves when summoned as prescribed by law, shall forfeit and pay for each slave the above named penalty.

IV. *And be it further enacted*, That the penalty hereby imposed shall be recovered and applied under the rules, regulations and restrictions as are now prescribed by law.

Former  
acts repeal-  
ed,

V. *And be it further enacted by the authority aforesaid*, That all acts and parts of acts coming within the purview and meaning of this act, be and the same are hereby repealed and made void.

#### CHAP. IV.

*An act supplemental to an act entitled, "An act declaring the duties of Clerks and for other purposes," passed in the year 1816.*

Sheriff's  
fees.

*BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same*, That for each summons directed to be issued by the act above referred to, and to which this act is a supplement, the sheriffs respectively for each county in this state shall be entitled to demand and receive of the person against whom such summons shall be issued the sum of thirty cents; any law, usage or custom to the contrary notwithstanding.

#### CHAP. V.

*An act concerning Promissory Notes and other Negotiable Instruments.*

Suits may  
be brought  
against the  
principal &  
endorsers  
jointly.

*BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same*, That it shall and may be lawful for any person or persons, bodies politic and corporate, having a right to demand any sum of money due upon any endorsed promissory note, single bill, bond or other writing obligatory which is, shall or may be negotiable by the laws of this state, to commence and prosecute at the option of the person or persons, bodies politic or corporate having such right, on action or actions for such sum or sums of money so due as aforesaid against the maker or makers of such promissory note, or obligor or obligors in such bill, bond or other writing obligatory, and the endorser or endorsers thereof, jointly or against any one or more of such makers or obligors and endorsers, and judgment shall and may be given accordingly; any law to the contrary notwithstanding.

#### CHAP. VI.

*An act directing what number of Jurors may hereafter be drawn to serve in the Superior and County Courts.*

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*



That the several County Courts of Pleas and Quarter Sessions held in this state, may draw any number of Jurors not exceeding thirty-six, nor less than thirty, to serve in the superior and county courts aforesaid. 1817.

II. *And be it further enacted,* That this act shall be in force from and after the passing thereof.

#### CHAP. VII.

*An act to amend the Road Law.*

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That whenever any person by permission of the court of his county, and agreeably to law, shall have turned, altered or changed any road, and shall tender the same to the overseer and the overseer shall refuse to receive said road upon the ground that the said road is not in good or sufficient order, the person making such alteration in the road, if dissatisfied with the decision of said overseer, may petition the court of his county, who shall appoint three persons to examine said road, and their report as to the condition of the road shall be conclusive: And in like manner, any person liable to work on any road, or any person sending three hands to work on any road and dissatisfied with the certificate or decision of any overseer, that a road altered or turned, or a new road opened, is in good and sufficient order, may make his objection to said certificate to the court of his county at the term such certificate is returned, and said court shall appoint three persons to examine said road, and their report as to the condition of said road shall be conclusive.

How to proceed in cases where roads are turned &c.

II. *Be it further enacted,* That no order of a county court imposing a toll on any road or bridge shall be made unless all persons are subjected to said toll, and every order heretofore made or hereafter to be made, exempting any person from the payment of toll over bridges or roads, shall be null and void.

Bridges.

#### CHAP. VIII.

*An act further pointing out the duty of Overseers of Roads.*

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall be the duty of the Overseers of the roads in the several counties in this state where the county court may direct, to make or cause to be made and kept in repair good and sufficient foot ways across all swamps and runs of water that may cross that part of the road allotted them by an order of the court of said county, for the convenience of travellers on foot, and in case of failure, be subject to indictment as in other cases of neglect, in the performance of their duty on roads.

Foot ways.



1817.

II. *And be it further enacted* That it shall also be their duty to erect and keep hand-rails on each side of all hollow bridges where the county courts may direct which may be situated on that part of said road so allotted them by the county court.

Hand-rails. III. *And be it further enacted*, That it shall be the duty of owners of toll bridges to keep good and sufficient hand-rails across the same.

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CHAP. IX.

*An act to compel owners of Water Mills situated on Public Roads to keep in repair their bridges.*

Duty of  
owners of  
mills.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act it shall be the duty of every owner of a Water Mill within any county in this state whose mill is situated on any public road, to keep at his, her or their own expense, in such order as the county court thereof may deem sufficient, all bridges that are or may be erected and attached to his, her or their mill dam immediately over which such public road may run: *Provided*, that nothing herein contained shall be construed to extend to any mill which was erected before the laying off of any such road, except such road as was laid off by the request of the owner of said mill.

Penalty. II. *And be it further enacted by the authority of the same,* That every owner or owners of any such water mill, who shall refuse or neglect to do his, her or their duty as is by this act directed, or shall let remain out of repair any such bridge or bridges for the space of ten days, unless prevented by unavoidable circumstances, such owner or owners shall forfeit for each and every such offence, the sum of ten pounds over and above such damage as may be sustained.

Mode of punishment. III. *And be it further enacted by the authority of the same,* That all offences committed or done against this act shall be prosecuted by indictment in any court having cognizance thereof; and all forfeitures shall be recovered by action of debt, bill, plaint or information, one half to the use of the prosecutor, the other half to the use of the poor of the county in which the same may be recovered; any law to the contrary notwithstanding.

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CHAP. X.

*An act to amend the several Inspection Laws of this State.*

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of any act of the General Assembly of this state as authorizes the Inspectors of Tobacco, to cause re-



fused Tobacco, or Tobacco not fit for exportation, to be burnt, 1817.  
 be and the same is hereby repealed.

II. *And be it further enacted*, That in all cases hereafter, when a note for Inspected Tobacco, shall be lost or destroyed, the owner thereof shall, before obtaining another note for the same, give bond with approved security to the Inspectors, who gave the lost or destroyed note, or their successors, in double the amount of the value of the Tobacco, to indemnify the person who may thereafter produce the original note, the value by him paid for the same: The bond so taken shall be assignable by the Inspectors taking the same to the person producing the original note, who may maintain an action of debt thereupon, and such assignment shall exonerate the Inspectors from any claim or demand against them, by virtue of the original note.

III. *And be it further enacted*, That this act shall be in force from and after the passing thereof.

#### CHAP. XI.

*An act prescribing the duty of the Majors and Brigadiers General of the Militia of this State in certain cases.*

*BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same*, That in future it shall be the duty of the Majors and Brigadiers General of the Militia of this state, to give fifty days notice by order to the commandant of their regiments or brigades previous to such reviews taking place; and the reviews shall take place by the Brigadiers and Majors General as aforesaid at the same times and under the same rules and regulations as heretofore prescribed by law.

II. *And be it further enacted*, That any Majors or Brigadiers General failing to give notice as above specified, shall forfeit and pay for every offence the sum of forty dollars, to be recovered before any jurisdiction having cognizance thereof, one half to the county in which such recovery is had, and the other half to the use of the person suing for the same.

III. *And be it further enacted*, That if any Brigadier General shall fail to make his return to the Adjutant General as required by the 24th section of the militia act passed in 1806, such Brigadier General so failing, shall forfeit and pay the sum of fifty pounds, to be sued for and recovered in like manner as other fines.

#### CHAP. XII.

*An act to authorise the Courts of Pleas and Quarter Sessions of the respective counties in this state to increase the fees of the Jailors thereof.*

*BE it enacted by the General Assembly of the State of North-*



1817. *Carolina, and it is hereby enacted by the authority of the same,*  
 That the Courts of Pleas and Quarter Sessions of the several counties within this state, be and they are hereby authorized and empowered whenever they shall deem it expedient, a majority of the acting Justices being present, to increase the fees of the Jailors of their respective counties; *Provided,* the same does not exceed fifty per cent upon the fees now by law established.

Proviso.

II. *And be it further enacted,* That whenever any county court shall increase the Jailors' fees of said county, they shall cause the same to be recorded, which sum shall not be altered within one year thereafter.

#### CHAP. XIII.

*An act to authorise the several Courts of Pleas and Quarter Sessions within this State to lay a tax sufficient for the maintenance of the poor.*

*BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same,* That the several Courts of Pleas and Quarter Sessions within this state, be and they are hereby authorized on the application of the wardens, to lay a tax which may be sufficient for the maintenance of the poor, which said tax shall be collected and accounted for to the Wardens and applied by them in the manner now prescribed by law: *Provided,* that a majority of the Justices be present when said tax is laid.

Majority of Justices to be present.

II. *And be it further enacted,* That all laws and clauses of laws which come within the meaning and purview of this act be, and the same are hereby repealed and made void.

#### CHAP. XIV.

*An act concerning Mad Dogs.*

WHEREAS, that most dreadful of all maladies Hydrophobia, has become much more common than formerly, by reason of the negligence of the owners of Dogs: For remedy whereof,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That whenever the owner of any Dog shall know or have good reason to believe that his or her dog, or any dog belonging to his or her slave or other person in his or her employment, has been bitten by a mad dog, and shall neglect or refuse immediately to kill the same, he or she so refusing or neglecting shall pay the sum of twenty-five pounds, to be recovered for the use of him or her who may sue for the same, in any court having jurisdiction thereof, with costs.

Penalty for not killing dogs, &c.

II. *And be it further enacted,* That he or she so refusing or neglecting as aforesaid, shall be further liable to pay all



damages which may be sustained by any person or persons who soever by the bite of any dog belonging as aforesaid.

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## CHAP. XV.

*An act to amend the Health Laws of this State.*

*BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same,*

That if any vessel shall be brought into the state from a place which, at the time of her departure was infected with the Yellow Fever, Small Pox or other infectious disorder, or if any vessel arriving in this state shall have the small pox or yellow fever, or other infectious disorder on board, or which shall have had such disorder on board during her passage to this state such vessel shall be anchored at the place appointed for quarantine, and there remain until permitted to remove by the commissioners of navigation or by the commissioners of the town to which said vessel is bound, and if any such vessel shall come to such town or into its harbor without permission obtained as aforesaid, the pilot or master conducting said vessel or ordering or permitting her to be so conducted to such town or harbor, shall be subject to indictment in the court of pleas and quarter sessions or superior court of the county in which said offence is committed, and upon conviction, shall be fined not less than five hundred pounds and be subject to imprisonment until such fine and costs are paid: *Provided* such imprisonment shall not exceed one year.

Vessels  
shall per-  
form quar-  
antine.

Fine.

II. *BE it further enacted,* That the commissioners of navigation or the commissioners of the town in the harbor of which any vessel shall have arrived in violation of this act, shall have power and are authorized to use such force as shall be necessary to remove said vessel to the place of Quarantine, their reasonable charge for which service shall be paid by the master or owner of said vessel and may be recovered of either of them before any jurisdiction having cognizance there-

Power of  
commission-  
ers.

## CHAP. XVI.

*An act for the revision of the Acts of the General Assembly.*

WHEREAS, it is essentially necessary that the laws should exist in a form which will enable those who so wish to become acquainted with them, and from the multiplicity of the acts of the General Assembly of this state upon the same subjects, and from their being passed at different times and published as passed, it is very difficult for any but those who are professionally bred, to procure a knowledge of them: For remedy whereof,

Preamble.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,*



1817. That a committee of three persons be appointed by joint ballot of both houses, whose duty it shall be to revise and consolidate the public acts and parts of acts of the General Assembly of this state heretofore passed or which may be passed before the completion of their work: And whereas, from the phraseology of the act of one thousand seven hundred and seventy eight, chapter the fifth, doubts often arise what statutes of the parliament of Great Britain are in force in this state,

Committee  
of revision.

Duty.

II. *Be it further enacted*, That it shall be the duty of said commissioners to enumerate and specify those statutes and parts of statutes of Great Britain which are in force within this state.

Pay.

III. *And be it further enacted* That said commissioners shall be allowed such compensation as shall be judged adequate and proper, and that they report their proceedings to the succeeding General Assembly.

#### CHAP. XVII.

*An act to authorise the Superior Courts of Law to sell the estates of Idiots and Lunatics.*

Petition to  
the Superior  
Court.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That whenever it shall be made appear to the satisfaction of the superior court of law of any county in this state, upon the petition of the guardian of any Idiot or Lunatic, that a sale of any part of the personal or real estate of such Idiot or Lunatic is necessary for his or her maintenance, or for the discharge of debts unavoidably incurred for his or her maintenance, said court shall be, and it is hereby empowered to make an order for the sale of such part of the personal or real estate of said Idiot or Lunatic, and upon such terms as said court shall think proper: *Provided*, that no order shall be made for the sale of real estate until said court is satisfied that the whole personal property has been exhausted: *And provided* that said court may if it think proper, order said petition to be filed and their order of sale to be deferred until the next of kin or presumptive heir at law of said Idiot or Lunatic have been summoned to shew cause against said petition, if any they have, either by summons personally served upon them, or by advertisement, as in other cases of petitions, notices and advertisements are ordered to be made.

Proviso.

#### CHAP. XVIII.

*An act to punish the offence of Killing a Slave.*

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the offence of Killing a Slave shall hereafter be denom-



rated and considered homicide, and shall partake of the same degree of guilt when accompanied with the like circumstances that homicide now does at common law. 1817.

## CHAP. XIX.

*An act supplementary to an act passed in the year one thousand eight hundred and nine, entitled "An act to prevent speculations in obtaining lands which may hereafter accrue to this state by purchase from the Indians."*

WHEREAS, by the above recited act it is provided that the land lying west of the line run by Meigs and Freeman, within the bounds of this state, shall not be subject to entry, and that all entries made, and grants obtained, or which might thereafter be obtained shall be null and void: For the more complete carrying into effect the intentions of said act,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall not be lawful for the Entry Taker of Haywood county to suffer to be made in his office, any entry for land lying within this state to the west of said line run by Meigs and Freeman.

II. *And be it further enacted,* That if the said entry taker shall suffer any entry or entries to be made in his office of said land, he shall forfeit and pay for each and every such entry or entries the sum of five hundred pounds, to be recovered by an action of debt before any jurisdiction having cognizance thereof, one half to the use of the person suing for the same, the other half to the use of the county of Haywood.

III. *And be it further enacted,* That the third section of said act of one thousand eight hundred and nine, be and the same is hereby repealed and made void, and that this act shall be in force from and after the ratification thereof.

## CHAP. XX.

*An act concerning Strays.*

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That if after the appraisement of any Stray Horse, Mare, Gelding or Colt, and entry thereof made with the Ranger, such stray should happen to die within the space of twelve months after such appraisement, the person taking up such stray or strays shall not be answerable for the same, unless such death appears to have been occasioned by ill usage and abuse.

II. *And be it further enacted,* That so much of the act of the General Assembly passed in the year one thousand seven hundred and seventy-seven, entitled "An act to prevent abuses in taking up Stray Horses, Cattle, Hogs and Sheep, and



## LAWS OF NORTH-CAROLINA.

1817. other things therein mentioned," as comes within the meaning and purview of this act, be and the same is hereby repealed.

## CHAP. XXI.

*An act to amend an act passed at the last General Assembly allowing additional fees to Rangers within this state.*

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,*

Requiring  
strays to be  
advertised.

That each and every Ranger within this state who shall refuse or neglect to advertise all such Strays as may by them be entered pursuant to the act passed in one thousand eight hundred and fifteen, shall, for each and every such refusal or neglect, forfeit and pay the sum of four dollars, recoverable before any Justice of the Peace, to the use of the person suing for the same.

Penalty.

## CHAP. XXII.

*An act to revise and amend the Laws respecting Wrecks and Wrecked Property in this State.*

WHEREAS, it is found by experience that the said laws do not fully answer the purposes intended: For remedy whereof,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,*

That from and after the passing of this act, the counties of Currituck, Carteret, Onslow, New-Hanover and Brunswick shall be laid off into districts; to-wit: Currituck into seven districts, the first or easternmost district to commence at the Virginia line to Judy's Cove; the second district from Judy's Cove to Caffey's Inlet; the third from Caffey's Inlet to Killyhank Bay; the fourth from Killyhank Bay to New Inlet; the fifth from New Inlet to the Bald Beach to the south of Chickamiticomico; the sixth from thence to the Cape Creek near the Light House, and the seventh from thence to Carteret county line: Carteret into three districts, the first or easternmost district to commence at the dividing line between Currituck and Carteret, from thence to Cedar Inlet; the second district from Cedar Inlet to the old Topsail Inlet; the third district from Old Topsail Inlet to Bogue Inlet: Onslow, two districts, the first district to commence at Bogue Inlet to New River Inlet; the second district from New River Inlet to the New-Hanover line: New-Hanover, two districts, the first to commence at the New Topsail Inlet to Masenborough Inlet; from Masenborough Inlet to the dividing line of Brunswick and said county: Brunswick county into two districts, from New Inlet to Lockwood's Folly, and from Lockwood's Folly to the South Carolina line: And

Districts  
laid off.



that the members of the General Assembly from said counties shall recommend a proper and fit person who shall be appointed and commissioned by the Governor of the state for the time being, Commissioner of Wrecks for each of said districts respectively, and shall hold his office during the pleasure of the Governor, and shall at the next county court after his appointment, enter into bond with two or more good and sufficient securities in the sum of fifteen thousand dollars, which bond shall be made payable to the Governor for the time being or his successors in office, for the faithful discharge of their duties as commissioner of wrecks, and shall be deposited in the clerk's office of the county wherein said commissioners reside, and before entering upon the duties of his office, shall take and subscribe the oath by law required.

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Appoint-  
ment of  
Commiss-  
ioners.

II. *And be it further enacted*, That when any Commissioner of Wrecks shall undertake to sell any wrecked or stranded property, it shall be his duty to advertise the sale thereof, not less than ten nor exceeding twenty days, at two or more public places in his county; and should said property be adjudged above the value of one thousand dollars, he shall advertise the same in some newspaper, (if any) and one other public place of the towns in the federal district of which his county forms a part, except of such part thereof as may be in a damageable and perishable situation, as to require an immediate sale.

Sale to be  
advertised.

#### CHAP. XXIII.

*An act directing the mode of cancelling vouchers in the Comptroller's office.*

*BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same*, That the Comptroller be, and he is hereby authorised and required to procure an instrument of not less than one and a half inches diameter for cancelling papers in such a manner as not to render them illegible, and such instrument shall be thereafter used for the purpose of cancelling the vouchers in the Comptroller's office.

II. *Be it further enacted*, That any act coming within the purview of this act shall be, and hereby is repealed.

#### CHAP. XXIV.

*An act directing the mode of appointing Courts Martial in future, and for other purposes.*

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Governor or Commander in Chief shall appoint General Courts Martial for the trial of Major Generals: Major Generals, each within his own division shall appoint



1817. division courts martial for the trial of Brigadier Generals & Brigadier Generals, each within his own brigade, shall appoint brigade courts martial for the trial of all officers above the grade of Captain; and in like manner the Colonel or Commandant of each regiment or battalion shall appoint regimental or battalion courts martial for the trial of all commissioned officers under the grade of a field officer.

Who shall  
appoint Cr't  
Martials.

II. *And be it further enacted,* That when a court martial is ordered, the officer ordering it shall appoint the President, Judge Advocate and Provost Martial; and if it be a general court martial, orders shall be issued to such divisions as in the opinion of the Governor or Commander in Chief, may most conveniently furnish the members thereof: If it be a division court martial orders shall be issued to such brigades as in the opinion of the officer ordering it may most conveniently furnish the members thereof: If it be a brigade court martial orders shall be issued to such regiments in the brigade as in the opinion of the officer ordering it may most conveniently furnish the members: If it be a regimental court martial the officer ordering it may and shall appoint the members.

Appoint-  
ment of Of-  
ficers.

Grade.

III. *And be it further enacted,* That the President of a General Court Martial shall not be under the rank of a major general, and the court shall be composed of two Brigadier Generals and ten field officers as members, six of whom shall be of different divisions: The president of a division court martial shall not be under the grade of a brigadier general, and the court shall be composed of twelve field officers as members, six of whom shall be from a different brigade: The President of a brigade court martial shall not be under the rank of a colonel, and the court shall be composed of twelve officers as members, to be taken from the brigade, none of whom shall be under the rank of captain: The president of a regimental court martial shall not be under the grade of a field officer, and the court martial shall be composed of a majority of the officers of the regiment as members.

IV. *And be it further enacted,* That whenever the commanding officer of a division, brigade, regiment or battalion shall be ordered to furnish any officer or officers as a member or members, supernumerary or supernumeraries of a court martial, such officer or officers shall be regularly detached from the roster of the division, brigade, regiment or battalion by the commanding officer thereof, forthwith, after having received orders therefor: *Provided moreover,* That in case of sickness, inability or absence of any officer, whose turn it may be to serve on a court martial, the detailing officer shall certify such circumstance to the officer who ordered the court martial, and detail the officer next in succession.

V. *And be it further enacted,* That officers ordered to be



detailed to serve on court martial shall be detailed in the following manner: brigadier Generals by the major Generals of division from the division rosters; colonels, lieutenant colonels and majors, by the commanding officers of brigades, from the brigade rosters; captains and subalterns, by the commanding officers of regiments or battalions from the regimental or battalion rosters.

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Mode of detailing  
Members.

VI. *And be it further enacted,* That all courts martial for the trial of officers shall be constituted of a president, judge advocate and provost martial together with the number of members prescribed by the provisions of this act; and the officer ordering a court martial, shall, and may at his discretion, order a number of officers to be detailed as supernumeraries in addition to those intended to serve as members to attend the organization thereof, and in case there should be any vacancy or vacancies, the judge advocate shall fill such vacancy or vacancies from the supernumeraries, beginning with the highest in grade, and proceeding in regular rotation.

What shall  
constitute a  
Court-Mar-  
tial.

VII. *And be it further enacted,* That all officers on a court martial shall take rank by seniority of commission without regard to corps, and before any court martial shall proceed to the trial of any officer, the judge advocate shall administer to the president, and each of the members, the following oath, "You A. B. do swear, that you will well and truly try and determine according to the evidence the matter now before you, between the State of North-Carolina, and the prisoner to be tried, and that you will duly administer justice according to the militia laws of the state of North-Carolina without partiality, favor or affection, and you do further swear that you will not divulge the sentence of the court until it shall be published by the proper authority, neither will you disclose the vote or opinion of any particular member of the court, unless required to give evidence thereof as a witness by a court of justice in a due course of law, so help you God;" and the president shall administer to the judge advocate the following oath "you A. B. do swear that you will faithfully and impartially discharge the duty of judge advocate on this occasion, as well to the state as to the accused, and that you will not disclose the vote or opinion of any particular member of the court unless required to give evidence thereof as a witness by a court of justice in a due course of law, nor divulge the sentence of the court, to any but to the proper authority, until it shall be duly published by the same, so help you God."

Rank.

Oath.

VIII. *And be it further enacted,* That the judge advocate of any court martial, constituted according to the provisions of this act, shall, and may issue a summons in the nature of a subpoena in criminal cases, directed to the provost martial, to summon witnesses for the state and the accused, and the per-



1817. sons summoned by him shall be bound to attend and give evidence before the court martial, under the penalty of twenty pounds to be recovered by the party aggrieved, on an action of debt in the county court, unless the witness can prove his inability to attend.

Witnesses.

IX. *And be it further enacted*, That all witnesses shall be sworn or affirmed by the judge advocate before they give their evidence as in criminal cases, according to the following form: Y u A. B. do swear (or affirm as the case may be) that the evidence you will give the court, in the case between the state and A. B. shall be the truth, the whole truth and nothing but the truth, so help you God.

Oath.

Trials to be held in the day.

X. *And be it further enacted*, That all trials by courts martial shall be carried on in the day time, between the hours of ten o'clock in the morning and five o'clock in the evening, and when the votes shall be called for on any question, the judge advocate shall begin with the youngest in commission and proceed regularly to the oldest. And at all courts martial unless two thirds of the members agree that the accused is guilty, the judge advocate shall record his acquittal, and all courts martial authorised or appointed in pursuance of the militia laws of this state, shall have full power and authority to preserve order during their session, and may imprison in the county jail for the space of eight hours any and all persons who shall in the presence of the court martial behave in a disorderly and contemptuous manner.

Imprisonment.

Duty of the Judge Advocate.

XI. *And be it further enacted*, That it shall be the duty of the judge advocate upon all trials, to state impartially to the court the evidence, both for and against the accused, to take in writing the evidence for and against the accused, and to minute down the proceedings of the court, all of which with the judgment or sentence of the court thereupon authenticated by his signature, and that of the president of the court, with the papers used at the trial or copies thereof certified by him, he shall transmit under seal to the officer who ordered the court, and all motions or objections to evidence whether on the part of the state or the accused, and the opinions of the judge advocate on questions of law made at the trial, shall be stated in writing, and the statement of the complaint, and the defence shall be made in writing, so that a full view of the trial may be had by the officer, whose duty it is to approve or disapprove of the proceedings, and all the original proceedings and judgment or sentence of all courts martial appointed according to the provisions of this act, after having been approved or disapproved by the officer who ordered them, shall by him as soon thereafter as may be convenient, be transmitted to the adjutant general of the state to be deposited and preserved in his office, and the party tried by any



court martial appointed as aforesaid, upon request by himself or any person properly authorised, at the adjutant general's office, shall be entitled to a copy of the original record, certified as aforesaid of the proceedings and sentence of the court, he paying reasonably for the same.

XII. *And be it further enacted*, That when any officer shall be arrested and notified to attend any courts martial which may be ordered for his trial, and shall refuse or neglect to attend the same, the said court shall take up the charges and specifications alledged against him, provided, he has been served with a copy thereof, and proceed to trial in the same manner as if he was present, any law, usage or custom to the contrary, notwithstanding.

In case of non attendance.

#### CHAP. XXV.

*An act to increase the Salary of the Governor.*

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the sum of four hundred dollars shall hereafter be annually paid to the Governor in addition to his present salary.

Governor's Salary, two thousand dollars.

#### CHAP. XXVI.

*An act increasing the power of the Commissioners of incorporated Towns, in regard to Dogs within the same.*

WHEREAS, the number of dogs kept in the towns of this state, as well by slaves as by free persons, have so increased as to render them a nuisance, and greatly to increase the danger of the dreadful malady Hydrophobia.

Preamble.

*BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same*, That the Commissioners of every incorporated Town in this state shall have power to impose such annual tax on dogs kept within said town as they shall think proper; and to require the persons owning or possessing said dogs, to return the same in their list of taxable property, in the same manner as other taxable property is by law required to be given in for taxation.

May levy a tax.

II. *Be it further enacted*, That if any person residing in either of said towns shall have in his possession within the same, any dog, and shall not return the same for taxation and shall fail to pay the tax after thirty day's public notice of the imposition thereof, and of the notice to return the same for taxation, the commissioners of such town may, and are hereby authorized at their option, to sue for and recover the tax from the person so failing, before any jurisdiction having cognizance thereof, or may treat said dogs not returned for taxation, and not paid for, as nuisances, and may order their destruction as they may think fit.

Penalty for failing to give in.



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## CHAP. XXVII.

*An act to cede to the United States of America certain Lands upon the conditions therein contained.*

Preamble. WHEREAS, the congress of the United States have passed an act to erect a Beacon on Federal Point near the New-Inlet on Cape Fear River, which Beacon is already erected: And whereas, it is expedient the United States should have the exclusive jurisdiction of the land on which said Beacon is erected.

Federal Point. *BE it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same, That the exclusive jurisdiction of one acre of land at Federal Point, near the New-Inlet on Cape Fear River, on which a Beacon is already erected by the United States, shall be ceded, and is hereby vested in the United States, the said acre of land having been purchased by the United States aforesaid, upon condition that the Beacon or a Light-House be continued and kept up by the United States for the public use.*

*II. And be it further enacted by the authority of the same, That nothing herein contained shall be so construed as to debar or hinder any of the officers of this state from serving any process or levying executions within the limits ceded by this act to the United States, in the same manner and to the same effect as if this act had never been passed.*

## CHAP. XXVIII.

*An act for the relief of sick and disabled American Seamen.*

Preamble.

WHEREAS, the Hospital Money collected at the Port of Wilmington in this state, under the acts of Congress, is insufficient for the purposes designed.

List of Seamen to be furnished. *BE it therefore enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same, That the master or owner of every ship or vessel of the United States, shall before such ship or vessel shall be admitted to enter from a foreign port, render to the Collector of the Customs for the port of Wilmington, a true account of the number of seamen that shall have been employed on board such vessel since she was last entered at any port of the United States, and shall pay to the said collector at the rate of thirty cents per month for each and every officer and seaman so employed, which sum he is authorised to retain out of the wages of such seamen.*

*II. Be it further enacted, That the collector of Wilmington shall not go out to any ship or vessel whose enrollment or licence for carrying on the coasting trade has expired, a new*



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enrollment or licence before the master of such ship or vessel shall first render a true account of the number of seamen, and the time they have been severally employed on board such ship or vessel during the continuance of the licence which has so expired, and pay the said collector thirty cents per month for each and every officer and seaman so employed as aforesaid, which sum the said master is hereby authorized to retain out of the wages of such seamen; and if such master shall render a false account of the number of men and length of time they have been severally employed as is herein required, he shall forfeit and pay one hundred dollars.

Tax thirty  
cents each.

III. *Be it further enacted*, That the person designated by the President of the United States, as agent or director of the Marine Hospital of the United States for the port of Wilmington, in co-operation with the commissioners of the town of Wilmington and the wardens of the poor for the county of New-Hanover, shall have the appropriation of the aforesaid fund for the relief of sick and disabled seamen: *Provided*, that no crew coming into said port with the small pox or other contagious disorder, shall be entitled to any benefit thereof.

How ap-  
plied.

IV. *Be it further enacted*, That the collector of the port of Wilmington aforesaid, shall at the first county court for the county of New-Hanover which shall happen after this act takes effect, enter into bond with sufficient security in the penalty of two thousand dollars, payable to the Governor and his successors, with condition for the due and faithful accounting for and paying all such sums of money as shall or may come to his hands by virtue of this act, and that he shall render such account yearly to the Treasurer of the state, exhibiting the amount received and paid for the relief and support of sick and disabled American seamen, and that he shall pay to said Treasurer at the end of each and every year, the balance remaining in his hands, which sum paid over to the Treasurer, shall remain in the Treasury, forming a fund to be applied under the direction of the Governor, in addition to such funds as may hereafter be appropriated by the United States for the erecting and supporting a Marine Hospital in the town of Wilmington; and if said collector fails to pay over and account for said money, he shall forfeit and pay eight hundred dollars, to be recovered in any court of record in this state.

Collector's  
duty.

V. *And be it further enacted*, That the collector of Wilmington aforesaid, for his trouble in collecting and paying the money aforesaid, shall be entitled to, and deduct therefrom a commission of two and an half per cent.

VI. *And be it further enacted* That all acts and clauses of acts coming within the meaning and purview of this act, and



1817. { contrary thereto, so far as it respects the port of Wilmington,  
is and are hereby repealed and made void; and this act shall  
not be in force until the same is ratified and confirmed by an  
act of Congress of the United States.

Read three time and Ratified in General Assembly, }  
the 23d day of December, A. D. 1817.

B. YANCEY, S-S.  
JA. IREDELL, S. H. C.

A true Copy, WM. HILL, Secretary.



An act giving the assent of the General Assembly of the State of North-Carolina, to an act passed by the General Assembly of the Commonwealth of Virginia, concerning the navigation of the Roanoke River and its Branches.

WHEREAS, at a General Assembly of the Commonwealth of Virginia, began and held on the eleventh day of November, in the year of our Lord one thousand eight hundred and sixteen, an act was passed by the said General Assembly, with the title, and in the words following, to wit,

“An Act to amend the act entitled, ‘an act incorporating a Company for the purpose of improving the navigation of Roanoke river and its branches.

WHEREAS it is represented to the General Assembly, that the State of North-Carolina, by acts which have passed their Legislature in the years one thousand eight hundred and twelve, one thousand eight hundred and fifteen, and one thousand eight hundred and sixteen, have incorporated a company to improve the navigation of that state so far as respects the river Roanoke and its waters; that the company incorporated by the State of North-Carolina for that purpose have secured their charter according to the conditions imposed upon them by the act of incorporation granted by the General Assembly of North-Carolina, and have elected their President and Directors for one year: It is indispensably necessary that the state of Virginia should aid this object, and assist an undertaking so extensively and intimately connected with the prosperity and interest of this state.

*Be it further enacted.* That for the purpose of aiding and assisting the company so as aforesaid incorporated, the President and Directors of the said company are authorized to hire slaves of the citizens of this Commonwealth, whether hired by them in trust for life, or absolutely for any term that may be agreed upon by the President and Directors of the said company, or their duly authorized agent or agents, and the holder or owner of such slaves; provided that such slaves be employed when hired by said company, in and about their necessary work, in improving the navigation of the said river Roanoke; and the President and Directors of the said company shall and may return the said slaves to their holders or owners when the term of service shall expire for which they may have been hired, and the holders or owners shall have full power and authority to receive such slaves so hired, without incurring any of the penalties imposed upon holders or owners of slaves for carrying out or bringing into the state any slave or slaves once carried out, any law to the contrary notwithstanding. But in all cases of slaves held upon trust, or for life only, the said President and Directors, or their duly authorized agents, as the case may be, shall give bond with security of the persons so holding for life or in trust, that they will return the slave or slaves to the persons, or their legal representatives, of whom they were hired at the expiration of their term. The said President and Directors for the time being of the said company, are hereby authorized and empowered to recover, in any court of record in this commonwealth, by motion, ten days previous notice thereof having been first given, their requisitions with costs of suit, including one dollar for sending the notices of any delinquent stockholder of the said company residing in the state of Virginia, who shall within one month after such requisition is so made, fail to pay the same to the President and Directors, or their duly authorized agent, previous notice having been given, of such requisition being



so made upon the holders by the President and Directors, in some newspaper in the state of Virginia.

The interest of very many of the good people of this commonwealth requires that the improvement of the navigation of the Roanoke river and its branches, capable of being made navigable both in North-Carolina and Virginia, should be begun and completed as early as possible, and that the right to improve the navigation of the said river and its branches shall be vested in one company,

*Be it further enacted,* That the exclusive right to improve the navigation of said river and its branches, within the limits of the state of Virginia, shall be and the same is hereby vested in the company incorporated by several acts of the state Legislature of North-Carolina, passed in the years one thousand eight hundred and twelve, one thousand eight hundred and fifteen and one thousand eight hundred and sixteen, for the purpose of improving the navigation of the Roanoke river, from where the Virginia line intersects the river to the Albemarle sound, and called "the Roanoke Navigation Company," that the powers of the President and Directors of said Company, now elected, and their successors, shall extend to and be exercised over the improvement of the said river and its branches, which are created and vested in them by the several acts of incorporation granted them by the State of North-Carolina over that part of the river Roanoke which runs through the State of North-Carolina; and the rights of the company to improve the navigation of the said river and its branches, with all other rights and powers created by this act and vested in the company, shall be held, exercised and enjoyed in common both by the citizens of Virginia and the state of North-Carolina, who are now or shall hereafter become stockholders in the said company; and that for and in consideration of the expenses the said Company shall be at, not only in cutting canals, erecting locks, and other works for opening the different falls of the said river, and in improving and extending the navigation thereof, but in maintaining and keeping the same in repair, the said canals and works with all their profits, shall be and the same are hereby vested in the stockholders of the aforesaid Company, who now are or shall hereafter become stockholders, their heirs and assigns forever, as tenants in common in proportion to their respective shares, and the same shall be deemed real estate, and be forever exempt from the payment of any tax, imposition or assessment whatever. It shall and may be lawful for the said President and Directors to receive tolls, and fix them at such rates that the nett profit to be received by the Company, when they shall have completed the navigation of the said river and its branches within the state of Virginia and North-Carolina, according to the conditions of their charter granted by that state, fifteen per cent. nett profit exclusive of the expenses of officer's fees and all other charges annually incurred upon the capital stock created by the state of North-Carolina, and which shall be added thereto by this law. But should the said Company not expend the whole stock created by their acts of incorporation granted by the state of North Carolina, and the stock to be added thereto by this law, in the improvement of the navigation of the said river and its branches, and the carrying into full effect their charter granted by the Legislature of North-Carolina, that then they shall only receive fifteen per cent. nett profit upon so much of their capital as they shall actually have expended in carrying their several charters into full effect. The President and Directors and



their successors, or a majority of them, shall have full power and authority to agree with any person or persons on behalf of the said Company, to cut such canals and erect such locks, and perform such other works as they shall judge necessary for opening, improving and extending the navigation of the said river and its branches, from the eastern boundary line between this state and the state of North-Carolina, and carrying on the same from place to place and from time to time and upon such terms and in such manner as they shall think fit, and out of the money arising from their stock subscribed, the tolls and other aid given, to pay for the same, and to repair and keep in order the said canals, locks and other works necessary thereto, and to defray all incidental charges, and to appoint toll gatherers, superintendants or agents, and fix their wages, and to pay them, and to make and establish rules of proceedings, and to transact all business and concerns of the Company, not exclusively vested in the stockholders in their general meetings.

II. And the said President and Directors, or a majority of them, shall have full power and authority to agree with the owners of any land, through which any canal is intended to pass, for the purchase thereof; and in case of disagreement, or the owner thereof shall be feme covert, under age, non compos mentis, or out of the state, on application to any two justices of the county in which such land shall lie, the said justices shall issue their warrant under their hands to the sheriff of their county to summon a jury of twenty four inhabitants of his county, possessing the same qualifications as jurors to serve in the Superior courts of law in this commonwealth, to meet on the land to be valued on a day to be expressed in the warrant, not less than ten nor more than twenty days thereafter, and the sheriff upon receiving the said warrant, shall forthwith summon the said jury, and when met, provided that not less than twelve do appear, which shall be a sufficient number to compose a jury, but if more, all that are present shall be impannelled on the jury, but if twelve do not appear, and there are by-standers possessing the necessary qualifications, then the sheriff shall with those that do appear empannel as many by-standers as will make a jury of twelve at least, which jury when empannelled shall, (to be administered by the sheriff,) take the following oath or affirmation, that they will faithfully, truly and impartially value the land not exceeding in any case the width of one hundred and sixty feet, and assess all damages the owner thereof shall sustain by cutting the canal through such lands according to the best of their skill and judgment, and that in such valuation, they will not spare any person through fear or affection, nor any person grieve through malice, hatred or ill will; and the sheriff shall thereupon take an inquisition which shall be signed and sealed by the sheriff, and at least twelve of the jury; in which verdict, if twelve of the jury concur, it shall be sufficient and as effectual as if all the jury had agreed in the verdict, which inquisition so taken by the sheriff shall by him be returned to the clerk of his county court, to be by him recorded upon the return thereof, and upon every such valuation it shall be the duty of the county surveyor to attend such jury, and he is hereby directed to describe and ascertain the bounds of the lands by the jury valued, and return a plat thereof to be recorded with the inquisition taken by the sheriff, and the valuation of the jury shall be conclusive and final upon all persons, and the damages by them found shall be paid by the President and Directors to the owner of the land, or his or her legal representatives;



and on payment thereof, the said company shall be seized in fee of such land, and it shall be forever vested in them. For summoning and empannelling and attending the jury, and making his return the sheriff shall receive four dollars. The surveyor for making any survey, making a plat and the return thereof, five dollars: and the clerk of the court for recording the inquisition and return, shall receive one dollar and ninety two cents, which fees shall be paid by the President and Directors.

III. *Be it further enacted*, That all laws necessary for erecting buildings near the place of receipt of tolls aforesaid, shall be valued, condemned and paid for as aforesaid, and the Company shall upon payment of the valuation of the said land, be seized thereof in fee simple as aforesaid. Should it happen that twelve of any jury which may be empannelled under this law cannot agree in a verdict, it shall be lawful for the sheriff to discharge such jury, and make return upon the warrant of the fact to the justices issuing such warrant, or any other two justices in the county, who shall thereupon issue another in the same manner as if no warrant had ever issued, and the same proceedings shall be had as if no warrant had issued, and shall be in like manner proceeded in until a jury shall be had, twelve of whom shall agree in a verdict; but no jurymen shall be summoned by the sheriff upon any subsequent jury who was sworn upon any divided jury; and in all such new proceedings, the sheriff and surveyor shall receive the same fees for each jury to be paid for in like manner as are allowed to them in the fifth section of this act.

And whereas, some of the places through which it may be necessary to conduct the said canals may be convenient for erecting mills, forges and other water works, and the person possessing such situation may design to improve the same:

IV. *Be it therefore enacted*, That the water, or any part conveyed through any canal cut or made by the said company shall not be used for any purpose but navigation, unless the consent of the proprietors of the lands through which the same shall be led, be first had, and the said President and Directors, or a majority of them, are hereby empowered and directed, if it can be conveniently done, to answer both the purposes of navigation and the water works aforesaid, to enter into reasonable agreements with the proprietors of such situations, concerning the just proportion of the expenses of making large canals, or cuts capable of carrying such volume or volumes of water as may be sufficient for the purposes of navigation, and also for any such water works as aforesaid; but in no case whatever, shall the owner or proprietor of such land through which any canal may be cut as aforesaid, withdraw from any canal cut by the aforesaid Company the water therefrom for the purpose of working any mill, forges or other water works whatever.

V. *And be it further enacted*, That the said river and its branches are now declared, and the works to be erected thereon in virtue of this act, when completed, shall forever thereafter be esteemed and taken to be navigable as a public highway, free for the transportation of all goods, commodities or produce whatever, on payment of the tolls imposed by this act.

VI. *Be it further enacted*, That to enable the said Company to improve the navigation of the said river and its tributary streams, according to the provisions of this act, a capital stock of two hundred thousand dollars, in addition to their stock created and granted them by the General Assembly of North-Carolina, is hereby created, which shall be divided into two



thousand shares of one hundred dollars each; and that the stockholders of the aforesaid Company at their next general meeting, whether it be their annual or general meeting called by the President and Directors, shall open books at such places, and under the management of such commissioners as they may think proper to appoint, that no person shall subscribe for a part of a share or shares, but for one whole share at the least, and that upon the shares so subscribed the persons or bodies politic or corporate subscribing shall pay, on the first day of December next to the said President and Directors or a majority of them, ten per cent. upon each share subscribed, and such requisitions as the said President and Directors, or a majority of them, may make, so that they shall not on any subscription exceed thirty three and one third per cent in any one year.

And for all shares not subscribed for the first day of December next, the commissioners appointed by the stockholders at their next general meeting shall continue their books open, and shall be subject to any further directions of the stockholders in their general meetings, who may, if necessary, appoint other or additional commissioners at the same or other places, until they shall dispose of the stock created by this law.

That for all stock subscribed for after the first day of December next at the time of subscribing, ten per cent. shall be paid upon each share so subscribed for, and such requisitions as the President and Directors, or a majority of them, may make, so that they do not exceed thirty three and one third per cent. in any one year.

That the said commissioners shall at every general meeting of the stockholders held after their appointment, return their books of the subscription to the President and Directors, or a majority of them, and at the same time account for the money received by them, and in the event of their failure to pay the money so received, the said President and Directors may upon ten days previous notice being given to such commissioner, recover the amount by him so received with costs, and fifteen per cent damages until payment, in any court of record in this state; and in the event of more than two thousand shares being subscribed, the stockholders at their next general meeting, after the books are closed, shall strike from the shares of those having the highest number until the stock shall be reduced to two hundred thousand dollars; and should it happen that two or more persons should hold an equal number of shares which stand the highest upon the list, that then the stockholders shall decide by ballot, from whose stock the shares are to be taken; always striking from the highest number until the stock shall be reduced to two hundred thousand dollars.

The several banks in this State and all bodies politic and corporate, shall be and they are hereby authorised to subscribe for shares in the said Company, and to hold and enjoy the same in the same way as individuals, subject to the same restrictions and modes of recovery.

VII. *Be it further enacted*, That whenever the said President and Directors, or their successors, shall make requisitions upon the Stockholders for payment of any part of their stock, they shall give one month's public notice of such order of requisition so made, in some Newspaper published in Petersburg, the Borough of Norfolk, and Raleigh in the State of North-Carolina, and if upon such requisitions so made, and notice given, any Stockholders shall fail to make immediate payment of the requisition so made, the President and Directors upon motion in any Court of Record



in this Commonwealth, having given ten days previous notice of such motion, may recover judgment of any delinquent Stockholder for such requisitions so made upon him and costs of motion, including one dollar for service of notice, and sue out execution thereon, upon which the Clerk shall indorse, "no security of any kind to be taken," and such execution shall be directed to the Sheriff of the County or Serjeant of the Town, City or Borough, where such delinquent shall then or last have resided, who shall without delay proceed to levy the same, and if the officer to whom such execution is directed shall fail to make the debt and costs due thereon, and shall make a return of nulla bona as to part or the whole of the execution, then and in that case, the President and Directors shall immediately proceed to advertise such delinquent stock one month in some one newspaper in Virginia and North-Carolina, and sell so much of the stock, as is delinquent for cash, as will satisfy and pay whatever balance of debt and costs may be due the Company, and after deducting what may be due, with the costs of advertising and other incidental charges of sale, shall pay over any overplus in their hands to the original subscriber, and the stock so sold shall be held by such purchaser, subject to any future requisitions which may after such sale be made by the President and Directors, as it would have been in the hands of the first holder, and in all things the purchaser shall be substituted in the place of the original holder, & in all such sales the President and Directors shall convey the stock so sold to the purchaser by deed, stating the cause of sale, which deed shall be duly recorded in the County Court where the last holder lived, as other deeds for real estate, and registered on the Books of the Company.

It shall and may be lawful for said Stockholders to transfer their Share or Shares of Stock by deed executed in the presence of two witnesses, or the execution thereof acknowledged by the party thereto, and recorded in the County or corporation Court where the holder lives at the time of the sale, and registered in the books of the Company, but in no case shall a transfer of a part or parts of a share or shares be made either by deed or will, and in all cases of Stock cast by descent or devised by will, the descent cast or devise made shall be entered on the Books of the Company, and if any Stockholders shall die intestate and his shares shall descend to his distributees, and upon division thereof, the shares cannot be equally divided between such distributees, without dividing shares into parts of shares, such shares as cannot be divided in entire shares shall be sold for their benefit, and the proceeds divided between them according to their respective rights, *Provided*, that no transfer whatever shall be made, conveyed or held in trust for the use and benefit or in the name of another whereby the President and Directors or proprietors of the said company or any of them, shall or may be made to answer concerning any such trust, but that every person appearing as aforesaid to be a proprietor, shall as to the others of the said company be to every intent taken absolutely as such, but between any trustee and the person for whose benefit any trust shall be created, the common remedy may be pursued.

VIII. *Be it further enacted*, That the said President and Directors, or a majority of them shall make out a fair list under their hands and seals of the names and Stockholders, their places and residence, and the number of shares subscribed for by each Stockholder under this act, to the County Court of Mecklenburg, which list so returned shall be recorded, by the Clerk, who shall grant a certificate to each Stockholder, certifying the



number of shares by him held; for recording which return and granting the certificate, the Clerk may demand and receive of each Stockholder fifty cents, which certificate shall be legal evidence of the Stockholders right to his stock, and a like list, certified by the President and Directors or a majority of them, shall be registered on the books of the Company at some of the general meetings of the Stockholders.

IX. *Be it further enacted*, That the Board of public works in this State are authorised and required to subscribe the sum of eighty thousand dollars towards the stock of the Roanoke Navigation Company, upon condition that the State of North Carolina shall give its assent to this act. The said subscription to be upon the same terms in all respects with that of the State of North-Carolina to the stock of the Roanoke Navigation Company.

X. *And be it further enacted*, That if the capital stock created by the State of Virginia and North-Carolina, shall prove insufficient to improve the Navigation of the said River and its branches, the Stockholders in general meeting shall have power to open books in the same manner, and upon the same terms and principles, as they are authorised by the charter of the State of North-Carolina, and they shall authorise as many shares, of one hundred dollars each to be taken in Virginia as are authorised by the State of North-Carolina, and the Stockholders shall, as in the charter of North-Carolina be allowed thirty days from the opening such books in exclusion of all other persons to take such stock.

And if the said stock is not taken by the said Stockholders in thirty days then such stock, as shall remain unsubscribed for, may be subscribed for by any person, body politic or corporate, under such restrictions as to time of payment as the Stockholders may impose, and the Stockholders subscribing for the stock thus created by the Stockholders shall have use, and be entitled to all the rights, privileges and emunities of the original Stockholders, and be subject to the like rules and regulations, and their shares to be recorded and registered in like manner, and in case of delinquency in payment of requisitions hable to the same mode of recovery.

XI. *Be it further enacted*, That nothing in this act contained, shall prohibit the General Assembly of Virginia from passing Acts for the incorporation of companies to cut canals from the River Roanoke, or any of its tributary streams, so as to connect the waters thereof, with other Rivers or streams; *Provided*, that the Legislature shall not withdraw from the said river or its tributary streams or canals, cut or constructed thereon, so much of its waters as to interfere with the rights secured to the aforesaid Company, or to impair the navigation which the said Company is hereby authorised to improve.

The said President and directors, and their successors, shall from time to time, for the use of the navigation of the said River, its tributary streams and canals constructed thereon, graduate a scale of tolls so as to make the tolls by them to be imposed bear a just proportion to different designated points of distance.

XII. *Be it further enacted*, That after deducting the necessary expenses for the current year, the dividends of the profits arising upon the stock created by this charter, shall be declared and divided between the Stockholders, in proportion to the number of shares each shall hold at the same time, and in the same manner, as the dividends are directed to be made and declared between the Stockholders by the acts of incorporation grant-



ed the aforesaid Company by the General Assembly of North-Carolina.

The President and Directors of the said Company for the time being shall cause to set up, and continually kept up, at all their toll gates, at the respective toll houses they may erect, the rates of toll, that may be established, so that an effectual check may be imposed upon the Collectors of tolls.

XIII. *Be it further enacted*, That at the same times, and in the same manners, that the charter granted by the State Legislature of North-Carolina to the said Company, requires that their President and Directors shall report to that Legislature a correct transcript of their rates of tolls imposed by the Company, the tolls received, and their expenditures showing the amount of their dividends of clear profit upon their stock, to the said President and Directors, shall make a like report to the General Assembly of Virginia. And if it shall appear, from their reports so made, that the President and Directors of the said Company have exacted greater tolls than have yielded them the clear profits allowed by this charter, and the charter of North-Carolina, the General Assembly of Virginia reserves to itself the right of thereafter regulating the tolls of said Company, so that such regulations shall not diminish their net profit below fifteen per cent. upon their capital actually expended according to their charter.

XIV. *Be it further enacted*, That the said Company, in addition to the land the Company are authorised to condemn, for the purpose of cutting their Canals, may acquire real estate in the State of Virginia to the amount of fifty thousand dollars in its original cost, which they shall have the power to alienate, should the interest of the Company require it. And the said Company shall have power to acquire by purchase personal estate, and dispose of it when their interest may require it.

The said president and directors, may and shall, have the power to employ their hands hired or purchased, in Virginia or North-Carolina, as the interest of the Company may require, without incurring any of the penalties of the Laws against bringing slaves into this State; but this privilege shall not extend to the Company the right of selling in this State any of the slaves by them purchased in any other State than Virginia.

XV. *Be it further enacted*, That it shall and may be lawful for the said President and Directors for the time being to demand and receive tolls at the several places they shall establish for the receipt thereof, and in case of refusal or neglect to pay the tolls at the time of offering to pass through the places aforesaid, and previous to the vessels passing through the same, the collector of the tolls may lawfully refuse passage to such vessel, and if any vessel shall pass without paying the said tolls, then the said Collector may seize such vessel, wherever found, and sell the same at auction for ready money, which so far as may be necessary, shall be applied towards paying the said tolls and all expences of seizure and sale, and the balance if any, shall be paid to the owner, and the person having the direction of such vessel shall be liable for such toll, if the same is not paid by the sale of such vessel as aforesaid.

XVI. *Be it further enacted*, That in case the said Company shall not complete their works, and the improvement of the navigation of the said River and its tributary streams, by the first day of January one thousand eight hundred and forty three, then shall all the interest of the said Company, under this charter and all preference in their favour as to the Navigation and toll aforesaid be forfeited and cease.



XVII. *Be it further enacted*, That at the next general meeting of the Stockholders of the Roanoke Navigation Company, created by the Legislature of the State of North Carolina, whether it be called or their annual general meeting, the said Stockholders shall declare their acceptance or rejection of this charter, with its conditions and limitations as created and vested in them, by this act : and if they accept the Charter, a resolution shall be adopted by them declaring their acceptance with its condition, which shall be inserted in their proceedings at large upon their Books ; a copy of which resolution, certified under the hand and seal of their Chairman and Secretary and countersigned by their President, shall be transmitted, to the executive of the State of Virginia and the Governor of North Carolina, which resolution shall form a part of the communication of the Governor to the General Assembly of Virginia at their next session.

XVIII. *And be it further enacted*, That should the aforesaid Company accept the charter offered to them by this law, that then the law passed the nineteenth day of February one thousand eight hundred and sixteen entitled "an act incorporating a Company for the purpose of improving the Navigation of Roanoke River and its Branches," shall be and the same is hereby repealed, but should the charter aforesaid be rejected by the aforesaid Company, that then the said act shall remain in full force, and although the said Company should reject this charter their rejection shall not impair the first and second sections of this act.

XIX. This act shall be in force from the passing thereof.

*Now be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the assent of the State of North Carolina, be and the same is hereby given to the said act ; and the Roanoke Navigation Company, shall have, exercise and enjoy all the rights, franchises, and privileges given by the said act, subject to the limitations and restrictions therein contained ; But nothing contained in the said act or in any other act, heretofore passed, respecting the Navigation of Roanoke River and its branches shall be construed to prohibit the General Assembly of the State of North Carolina, from passing acts for the incorporation of Companies to cut canals from the river Roanoke, or any of its tributary streams, so as to connect the waters thereof, with other Rivers or streams ; Provided that the Legislature shall not authorise the withdrawal from the said River or its tributary streams or canals cut or constructed thereon so much of its waters as to interfere with the rights secured to the aforesaid Company or to impair the Navigation which the said company is authorised to improve ; and provided further that the State of North Carolina shall at any time have the right to increase her subscription to the stock of said company so that her whole interest in the said stock shall not exceed the sum of eighty thousand dollars.

XX. *And be it further enacted*. That the stock holders in the Roanoke Navigation Company, shall within four calendar months after the first day of January next notify his Excellency the Governor of their acceptance or refusal of their charter as by this act amended, and if said Company and Stockholders shall fail to give such notification such failure shall be construed an acceptance of the same.

And if said company shall refuse to accept of the amendments aforesaid to their charter, then this act and every part thereof shall be of no effect or virtue whatever. But shall be absolutely void.



Provided nothing in this act shall be construed to deprive the Legislature of North-Carolina of regulating the toll of said Company within the said State so as to prevent the net profits from exceeding fifteen per cent.

#### CHAP. XXX.

An act directing a Road to be laid out and opened from the Town of Fayetteville to Morganton.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Andrew Wade, William Terry, John Abernatha, and William Alexander, be and they are hereby appointed Commissioners, and as such are authorised and empowered to survey, lay out and mark a Road along the most convenient route from Fayetteville in Cumberland county, to Morganton in Burke county; and to appoint overseers of the different parts of the said road to open and keep the said road in repair, and such appointment shall be in writing signed by at least two of said commissioners, and shall give to the respective overseers all the powers and authorities, and subject them to the same liabilities as if they had been made by their county courts; and all persons living within two miles of the road so laid out and marked by the commissioners, who by law are not exempted from working on the public highways, shall be bound to assist in opening and keeping in repair the said road under the orders of their respective overseers; and such road shall be of the width and kept in the repair prescribed by law for public roads, and shall be held, deemed and taken to every intent a public highway.

II. *Be it further enacted,* That the said commissioners or a majority of them, shall file with the clerk of the court of pleas and quarter sessions for each county through which the said road shall be laid out, a chart of the said road, with a list of the overseers appointed in each county, and set forth the points between which each overseer shall be bound to work, with the hands living within two miles of the road between said points; and such list shall be deemed and taken upon all trials in the courts of justice, or before a justice of the peace, good evidence of the appointment of such overseers as are named therein.

III. *Be it further enacted,* That each of the said commissioners (a majority of whom are authorized to do all things prescribed in this act) shall be entitled to receive the sum of three dollars for each and every day he shall be employed in surveying, laying out and marking the said road and making out the said charts; and they shall employ one or more axmen to assist in marking, and shall determine his or their compensation; and the said commissioners or a majority of them, shall make out a statement of their charges including those of axmen, sign the same, and forward it to the public treasurer, who is hereby directed to pay the amount of such person or persons as shall be authorized to receive the same.

#### CHAP. XXXI.

An act to alter the times of holding the Superior Courts of Law of Carteret, Jones and Craven.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Superior Courts of Law and Equity for the county of Carteret shall hereafter be held on the Thursday after the second Monday in March and September, and shall be held five days exclusive of Sundays, if the business requires it: The Superior Court of Law and Equity for the county of Jones shall



hereafter be held on the third Monday after the fourth Monday of March and September: And the Superior Court of Law and Equity for the county of Craven shall hereafter be held on the Thursday following the third Monday after the fourth Monday in March and September, and shall be held nine days exclusive of Sundays if the business of said court render it necessary: *Provided*, that this arrangement shall not take place until next term succeeding the following spring term.

#### CHAP. XXXII.

An act to confirm and make valid the registration of certain Deeds, Powers of Attorney and other instruments of writing in the county of New-Hanover

**WHEREAS**, certain Deeds, Powers of Attorney and other instruments of writing, were registered in the Register's office of, and for the county of New-Hanover, by William Smith, Jun. during the months of February, March, April and May, 1817, and it appearing to this Legislature, that the election of the said William Smith, Jun. was made at February term, 1817, of said court, by a less number of Justices than by law required: For remedy whereof, and to make valid and effectual the registration so made as aforesaid,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the registration of all Deeds, Powers of Attorney and other instruments of writing made by the said William Smith, Jun. during the months of February, March, April and May, 1817, on the books of the Register's office of, and for the county of New-Hanover, be and the same is hereby declared good and valid to all intents and purposes whatsoever, as though the said William Smith, Jun. had been regularly appointed Register, and full faith and credit shall be given to the same in all courts of record in this state; any law, usage or custom to the contrary notwithstanding.

#### CHAP. XXXIII.

An act to establish a Flour Warehouse in Fayetteville.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the first day of February next, the board of commissioners of the town of Fayetteville shall be authorized and empowered to erect or provide a suitable Warehouse for the reception and storage of Flour brought to the market of Fayetteville from the interior; and when the said Warehouse is ready for the reception and storage of Flour, it shall be the duty of the magistrate of police of said town, to give public notice thereof in the newspapers published in said town, and also one of the newspapers published in the city of Raleigh.

*II. And be it further enacted by the authority aforesaid*, That as soon as said Warehouse shall be provided and publication made as aforesaid, the inspectors of flour in the town of Fayetteville, shall give due attendance at the same for the purpose of inspecting and branding all flour submitted to their inspection, and shall without delay, grant to the owner a certificate of the same, which certificate shall state the number of barrels, quantity and owner's name; and it shall be the duty of the inspectors aforesaid, to enter in a well bound book, to be by him provided, a regular account of all flour brought to the Warehouse that shall be inspected or stored, and on application of the owner and restoration of the certificate, to deliver the same, and to accompany the delivery with a manifest of the flour having been inspected and branded agreeable to law.



III. *And be it further enacted*, That from and after the establishment of said Flour Warehouse, the inspectors of flour in Fayetteville shall not be permitted to inspect flour at any other place in the town of Fayetteville, except when called on by the owners of the flour mills in Fayetteville to examine and brand the flour manufactured at said mills, under the penalty of five dollars for each and every barrel of flour so inspected at any place other than the Warehouse, to be recovered by action of debt, before any court having jurisdiction thereof, to the use of the person suing for the same.

IV. *And be it further enacted*, That the inspectors of flour in Fayetteville shall be entitled to demand and receive the same fees, and no other, for their services at the Warehouse established by this act, and shall be subject to the same penalties and regulations as are already provided by law for inspectors of flour in Fayetteville.

V. *And be it further enacted*, That the owner or owners of the Warehouse, when the inspection of flour shall be established agreeable to this act, shall be entitled to demand and receive from the person demanding the flour stored therein, the sum of five cents for each and every barrel so stored, and the sum of two cents for every barrel inspected thereat, but not stored to be paid on delivery of the manifest: *Provided*, that the flour shall not have remained in said Warehouse a longer time than three months, and one cent for each month thereafter; and if the owner or owners of the said Warehouse shall demand and receive any greater sum for the storage of flour, he or they so offending shall be liable to the penalty of twenty pounds, to be recovered by the person injured, before any judicature having cognizance of the same, to be applied to the use of the state.

#### CHAP. XXXIV.

An act to authorise the Commissioners of the town of Wilkesborough to sell to Walter R. Lenoir, Clerk of the Superior Court of Wilkes county, and Bartlet Shipp, Attorney at Law, a part of the Public Square in said town, on which to erect an office for the safe keeping of the records of said court.

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the commissioners of the town of Wilkesborough shall have full power and authority to sell and convey to Walter R. Lenoir, clerk of the superior court for the county of Wilkes, and Bartlet Shipp, attorney at law, so much of the land on the public square fronting the main street as will be sufficient to build an office for the purpose of safe keeping the records of said court, and the library of the said Shipp, at or near any of the corners of said public square, so as not to exceed twenty feet square.

II. *And be it further enacted*, That the money so arising from the sale of said piece of ground, shall be by them paid over to the treasurer of public buildings for said county and by him applied as other monies of like nature are applied.

#### CHAP. XXXV.

An act appointing Commissioners to run and establish the dividing line between the counties of Franklin and Nash.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That William Harrison, Thomas Dunn and Jeremiah Perry, (Folk) of Franklin county, Samuel Smith, Benjamin Williams and Jesse Hammons of Nash county,



be and are hereby appointed commissioners to run and mark the dividing line between the counties of Franklin and Nash, from the mouth of Cypress Creek on Tar River to Mocoson Creek, at the intersection of the counties of Franklin, Nash, Wake and Johnson.

II. *And be it further enacted*, That the said commissioners shall be paid by their respective counties, such sums as their county courts of pleas and quarter sessions may deem a sufficient compensation for their services.

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#### CHAP. XXXVI.

An act to amend an act passed in the year 1816, entitled "An act to settle certain disputes respecting the Court-house in the county of Nash."

WHEREAS, the provisions of the above recited act has not been carried fully into effect, but has been so far proceeded on as to ascertain that a majority of the freemen in said county are in favor of the Court-house remaining at the place where it now stands in said county: Therefore,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the place where the Court-house in the county of Nash now stands, shall be the place where it shall forever hereafter remain and stand; any law to the contrary notwithstanding.

II. *And be it further enacted*, That so much of the law passed in the year one thousand eight hundred and fifteen, as relates to building a new Court-house in the county of Nash, be and the same is hereby repealed; any law to the contrary notwithstanding.

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#### CHAP. XXXVII.

An act to establish and confirm the judgment of the Superior Court of Law of Cabarrus County, divorcing John Corzine and his wife Mary Corzine, from the bands of matrimony.

WHEREAS, it appears from a transcript of a record legally authenticated that John Corzine of the county of Cabarrus, filed his petition in the Clerk's office of the Superior Court of Law for said county, containing allegations and charges against his wife Mary Corzine, for committing the crime of adultery, and praying a divorce from the bands of matrimony; and at the last September term of the said Superior Court of Law of Cabarrus county, the petition came on to be heard, and the allegations were substantiated by evidence and found true by a lawful jury impannelled for that purpose, whereupon it was ordered, adjudged and decreed, that the petitioner John Corzine, be divorced and separated from the bands of matrimony and nuptial ties heretofore contracted and entered into with the defendant Mary Corzine, which judgment, order and decree remain to be established and confirmed by an act of this General Assembly.

*BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the order, decree and judgment of the Superior Court of Law of Cabarrus county divorcing John Corzine from his wife Mary Corzine, be and the same is hereby established and confirmed accordingly.

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#### CHAP. XXXVIII.

An act to alter the time of holding the election for Sheriff in the county of Brunswick.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the election for



Sheriff of the county of Brunswick, shall hereafter be held by the Justices of the Peace at the January Term of the Court of Pleas and Quarter Sessions for the said county ; any law to the contrary notwithstanding.

II. *And be it further enacted*, That this act shall be in force from the passage thereof.

#### CHAP. XXXIX.

An act for the relief of Alexander Frohock, Sheriff of Rowan county.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Alexander Frohock, Sheriff of Rowan county, be and he is hereby allowed until the first day of March next, to pay into the public treasury, the balance of his collection of taxes for the year one thousand eight hundred and sixteen, which now stands charged against him, and that execution upon the judgment obtained against him at the instance of the state be stayed and not sued out until the day aforesaid.

II. *And be it further enacted*, That if the said Alexander Frohock shall account with the Comptroller for all the taxes for which he is by law accountable, for the year aforesaid, and pay the same into the public treasury, and shall also pay the costs of suit by the first day of March next, he shall be and is hereby declared to be released from the penalty incurred, and entitled to the usual fees and commissions ; any law to the contrary notwithstanding.

#### CHAP. XL.

An act to alter the time of holding the County Courts of Pleas and Quarter Sessions in the county of Washington.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That in future, the County Courts of Pleas and Quarter Sessions, in the county of Washington, shall commence on the third Monday in February, May, August and November, and that all suits now pending in said court, and all process issuing from said court, shall be adjourned to, and made returnable on the days aforesaid.

II. *And be it further enacted*, That it shall be the duty of the sheriff of said county to give notice by public advertisement at the Court-house and three other public places in said county, of the times of holding said courts as established by this act.

III. *Be it further enacted*, That this act shall be in force from and after the twenty-fifth day of December one thousand eight hundred and seventeen.

#### CHAP. XLI.

An act to authorise certain persons therein named to collect the arrears of taxes due them.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Lemuel Hatch, sheriff of Jones county, be and he is hereby authorized to collect the arrears of taxes due him for the years eighteen hundred and fourteen and fifteen ; Luke Huggins, late sheriff of Onslow county, be and he is hereby authorized to collect the arrears of taxes due him in said county for the years eighteen hundred and fourteen and fifteen ; that Gabriel Holmes, sheriff of New-Haven county, be and he is hereby authorized to collect the arrears of taxes due him for the year eighteen hundred and fifteen ;



that William Raiford, late sheriff of Wayne county, be and he is hereby authorized to collect the arrears of taxes due him for the years eighteen hundred and fourteen and fifteen ; That John Pool, sheriff of Pasquotank county, be and he is hereby authorized to collect the arrears of taxes due him for the years eighteen hundred and fourteen and fifteen ; That John Gandy, late sheriff of Nash county, be and he is hereby authorized to collect the arrears of taxes due him for the years one thousand eight hundred and fourteen and fifteen ; That Richard Allen, late sheriff of Wilkes county, be and he is hereby authorized to collect the arrears of taxes due him for the years eighteen hundred and fourteen and fifteen ; that Alexander Rowland, late sheriff of Robeson, be and he is hereby authorized to collect the arrears of taxes due him for the year eighteen hundred and fifteen ; That William Smaw, late sheriff of Beaufort county, be and he is hereby authorized to collect the arrears of taxes due him for the years eighteen hundred and fourteen and fifteen ; that Lewis Bryau, sheriff of Lenoir county, be and he is hereby authorized to collect the arrears of taxes due him for the years eighteen hundred and fourteen and fifteen ; that Thomas H. Daves, sheriff of Craven county, be and he is hereby authorized to collect the arrears of taxes due him for the years eighteen hundred and fourteen and fifteen ; that John Washington, late sheriff of Granville county, be and he is hereby authorized to collect the arrears of taxes due him for the year eighteen hundred and fifteen ; that Daniel Glisson, late sheriff of Duplin county, be and he is hereby authorized to collect the arrears of taxes due him for the years eighteen hundred and fourteen and fifteen ; that Rotheas Martin, late sheriff of Hyde county, be and he is hereby authorized to collect the arrears of taxes due him for the years eighteen hundred and fourteen and fifteen ; that the administrator of Jesse Alexander, late sheriff of Tyrrel county, be and he is hereby authorized to collect the arrears of taxes due him for the years eighteen hundred and fourteen and fifteen ; that George H. Dudley, late sheriff of Carteret county, be and he is hereby authorized to collect the arrears of taxes due him for the years eighteen hundred and fourteen and fifteen ; that Samuel Cox, late sheriff of Ashe county, be and he is hereby authorized to collect the arrears of taxes due him for the years eighteen hundred and fourteen and fifteen ; which said collection shall respectively be made under the same rules, regulations and restrictions as all other collections of public taxes in this state : *Provided*, that nothing herein contained shall be so construed as to authorize the said sheriffs or any of them, to collect any of said taxes from executors or administrators, or from persons removed from the county, or from those who will voluntarily swear before some justice of the peace, that the taxes so claimed have been paid ; and provided also, that this act shall continue in force for one year and no longer : *Provided*, that nothing herein contained shall be construed to prevent said sheriffs from collecting arrears of taxes from those executors or administrators, who may voluntarily pay the same, believing them to be due, nor from such persons as they have returned insolvent, and for which they may have been allowed.

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#### CHAP. XLII.

An act to amend and continue in force an act passed at the last session of the General Assembly, entitled "An act concerning the navigation of the Yadkin river."

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Andrew Wade,*



Henry Ledbetter, George W. Davidson and Edmund Deberry of the county of Montgomery; Joseph Picket, James Picket, George Dunlop and James Coleman of the county of Anson, be and they are hereby appointed commissioners, in addition to those appointed at the last General Assembly, for opening books for receiving subscriptions of stock for improving the navigation of the Yadkin River and of the several rivers and streams which run into the same; and the said commissioners or a majority of them, shall prepare books for receiving the said subscriptions and shall open the same on the first day of April next, at such places and under the direction of such persons as they shall designate for that purpose, which books shall remain open until the first day of July next, at which time the several persons under whose direction books shall be opened as aforesaid, shall return the same to the said commissioners in the town of Wadesborough, and on the said first day of July next there shall be a meeting of the subscribers in the town of Wadesborough, and such meeting may be continued from day to day until the business be finished. If it appear to the said commissioners upon the return of the said books that the sum of fifty thousand dollars has been subscribed, the said subscribers their heirs and assigns from the time of the said first meeting shall be, and they are hereby declared to be incorporated into a company, by and under the name of "The Yadkin Navigation Company."

II. *Be it further enacted*, That the act passed at the last session of the General Assembly, entitled "An act concerning the navigation of the Yadkin river," be and the same is hereby continued in full force, except as amended by this act.

#### CHAP. XLIII.

An act to incorporate a company for improving the Navigation of Pamlico Sound by the use of Camels.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That James McKinlay, Isaac Taylor, William Hollister, Samuel Simpson and Moses Jarvis, Esquires, at Newbern; John G. Blount, Walter Hanrahan and Slade Pearce, Esquires, at Washington; Samuel Treadwell, Josiah Collins, Jr. and Joseph B. Skinner at Edenton; Reuben Carnal, John Armistead and Horace Ely at Plymouth, be and they are hereby appointed commissioners to receive subscriptions for stock in the Pamlico Navigation Company, and for that purpose, they or either of them shall open subscriptions at the places aforesaid on the fifteenth day of January next, and shall keep the same open for sixty days, unless the whole number of shares be sooner subscribed. The stock of said company shall consist of one thousand shares of one hundred dollars each; each subscriber at the time of subscribing, shall pay down twenty-five dollars, and shall sign a written engagement to pay the balance on each share subscribed, to such person, at such time and in such proportion as the President and Directors of said company shall prescribe: As soon as the whole of said shares or one fourth thereof shall be subscribed, the commissioners at Newbern shall call a meeting of the subscribers at Newbern, and such of the said subscribers as shall be present at said meeting, are authorised to elect a President and seven Directors, and the President and Directors then elected shall serve until the first Monday in January thereafter.

II. *Be it further enacted by the authority aforesaid*, That the subscri-



Bers to the said company and their assigns, shall be, and are hereby incorporated into a company to be called the " Pamptico Navigation Company," and shall so continue for the term of twenty-one years, and may sue and be sued as such, and by that name shall have perpetual succession: After the said first election herein directed, the said President and Directors shall be elected yearly by the stockholders at a general meeting, to be held annually at Newbern, on the first Monday in January; and in case it shall happen that an election of President and Directors should not be made on any day, when pursuant to this act it ought to have been made, the corporation shall not for that cause be deemed to be dissolved, but the President and Directors last elected, shall continue in office until an election shall be made, and in case of the death, resignation or absence of a Director from the state, a Director in his place shall be appointed by a new choice, by a majority of the Directors. The said President and Directors, or a majority of them, or their successors, shall have power and authority to purchase or to build, and to employ upon Pamptico Sound, such number of vessels or machines called Camels, for lifting and carrying vessels over shoals as they shall think proper to put down, in any part of said sound, anchors with chain cables, and buoys and rings, said anchors being connected by such cables when thought proper, as well for the mooring of the Camels as for the mooring of the vessels; to appoint a Treasurer, Clerk and such other officers, managers and servants as they shall judge requisite, to agree for and settle their respective wages, to assess and by their servants to demand and receive compensation for vessels lifted and carried over shoals, or other services rendered by their Camels, and for vessels riding by anchors and buoys of the company, to open their books to receive subscriptions for shares unsubscribed at such time and place, and under the superintendence of such persons as they may think proper, to make rules and regulations from time to time, for the transfer and alienation of the stock of said corporation, to call general meetings of stockholders, and to make and establish rules of proceeding, and to transact all other business and concerns of said company, in and during the intervals between the general meetings of the same. The treasurer and other officers shall give bond in such penalty and with such security as the President and Directors, or a majority of them shall direct, for the true and faithful discharge of the trust reposed in them. At all general meetings, every member shall be allowed one vote for every share, and any proprietor, by writing executed before a subscribing witness, and proved or acknowledged before a justice of the peace or notary public, may depute another member to act as proxy for him or her at any general meeting, and the presence and acts of such proxy shall be effectual to all intents and purposes, as the presence and acts of the principal; and if any proprietor shall refuse or neglect to pay the balance unpaid on his share or shares, at such time and in such proportion as the President and Directors shall require, within one month after the notice by advertisement, or to him in person, the said President and Directors may sell at auction, and convey to the purchaser, the share or shares of such proprietor so refusing or neglecting payment, giving at least ten days notice of the sale, in one or more public papers, and after retaining the sum due, and charges of sale out of the monies produced thereby, shall pay the overplus, if any, to the former owner, and if the said sale shall not produce the full sum due, and ordered and directed to be paid as aforesaid, with incident,



tal charges, the said President and Directors may sue for and recover the balance before any jurisdiction having cognizance thereof, and the said purchaser and purchasers shall be subject to the same rules and regulations as if the said sale and conveyance had been made by the original proprietor.

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CHAP. XLIV.

An act to repeal an act passed in the year one thousand eight hundred and thirteen, entitled "An act to form the Regiment of Infantry in the county of Ashe into a Regiment of Riflemen."

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the said act be, and the same is hereby repealed and made void; any law to the contrary notwithstanding.

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CHAP. XLV.

An act to amend and continue in force an act passed in the year one thousand eight hundred and nine, entitled "An act to annex Smith's Island at the mouth of Cape-Fear River, to Brunswick county, and part of Eagle's Island to the county of New-Hanover."

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the before recited act, be and the same is hereby revived and continued in full force.

II. *And be it further enacted,* That General William Watts Jones and John Hogg of New-Hanover, and Alfred Moore and Jacob Leonard of Brunswick county, be and they are hereby appointed commissioners for carrying into effect provisions of the said act, in the room and stead of those named therein, and that they be allowed a further time of two years from the passing of this act, to complete the surveys and dividing lines, as mentioned in the before recited act.

III. *And be it further enacted,* That the county court of New-Hanover shall and may make a reasonable allowance for the services of the surveyor, chain-carriers and marker, to be appointed on behalf of said county: *Provided,* that nothing herein contained, shall be construed as laying the county of Brunswick liable to any part of the expense of surveying and marking said line.

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CHAP. XLVI.

An act to authorize the Commissioners of the Town of Edenton, to dispose of certain lots in the said Town.

WHEREAS, in the original plan of the town of Edenton, four Lots situated at the corner of Broad and Church Streets, were reserved for a market place, and it has been found more convenient to the citizens to erect a market in another part of the said town.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the commissioners of the town of Edenton, be and they are hereby authorized and empowered to sell the said Lots at public auction, on such terms as they may deem advisable, and to appropriate the proceeds of such sale to the use and benefit of the said town.

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CHAP. XLVII.

An act to prevent persons from obstructing the passage of Fish up Newbegun creek, in the county of Pasquotank.

WHEREAS, many people living in the neighborhood of Newbegun



Creek, in the county of Pasquotank, make a practice of stretching Seins, Nets and Hedges across the channel of Newbegun Creek, in the county of Pasquotank, thereby obstructing the passage of Fish up the same, to the great damage of those living near the head of said creek : For remedy whereof :

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall not be lawful for any person or persons to stretch any seine or seins, net or hedge across Newbegun Creek, in the county of Pasquotank, to a greater extent or distance than two thirds of the width of the channel of said creek, and every person or persons offending against the provisions of this act shall forfeit and pay the sum of ten pounds for each and every offence, to be recovered before any justice of peace by warrant, and to be applied to the use of the person suing for the same ; any law to the contrary notwithstanding.

#### CHAP. XLVIII.

An act to increase the fees of the Registers of the counties of New-Hanover, Cumberland, Brunswick, Carteret and Craven.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That in future it shall and may be lawful for the Registers of New-Hanover, Cumberland, Brunswick, Carteret and Craven counties to ask, demand and receive for their services, fees at the rate of fifty per centum additional to the fees now established by law.

II. *And be it further enacted by the authority aforesaid,* That this act shall be in force and operation from and after its passage ; any law, usage or custom to the contrary notwithstanding.

#### CHAP. LXIX.

An act to alter the time of holding the County Court of Iredell.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the justices of the county court of pleas and quarter sessions of the county of Iredell, at the close of the next term of the said court, shall adjourn the same to the third Monday of February next, and all suits, pleas, issues and pleadings which may remain on the docket of the said court at the end thereof, shall stand continued to the said third Monday of February next.

II. *And be it further enacted,* That the said court of pleas and quarter sessions of Iredell shall, from and after the next term thereof, be held on the third Monday of February, May, August and November in each and every year ; and all writs, subpoenas, and recognizances, and other proceedings returnable to said court, shall be returned according to the provisions of this act ; any law to the contrary notwithstanding.

III. *And be it further enacted,* That this act shall be in force from and after the passing thereof.

#### CHAP. L.

An act further to prevent obstructions to the passage of Fish up Roanoke, Cashie and Middle Rivers.

WHEREAS, many persons are in the habit of setting nets across Roanoke, Cashie and Middle Rivers, at or near the mouths of said rivers, during the fishing season, and thereby obstruct and greatly impede the pro-



gress of the fish up said rivers to the great injury and inconvenience of a very large proportion of the citizens of this state : For remedy whereof,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, no person or persons shall set or stake out or cause to be set or staked out, any net or nets in the rivers Roanoke, Cashie or Middle rivers, within half a mile of the mouth of any one of the said rivers respectively, from the first day of March to the fifteenth day of May, in each and every year.

II. *Be it further enacted,* That in other parts of said rivers, no person or persons shall set or cause to be set, any net or nets more than one third the width of said rivers from either shore or margin, thereby leaving open during the period above mentioned, the middle of said rivers for the passage of fish.

III. *And be it further enacted,* That no seine or seines shall be staked across, or by any other means confined across any one of said rivers or thoroughfares of the same, so as to impede or obstruct the passage of fish up the same within the period aforesaid.

IV. *And be it further enacted,* That any person or persons who shall hereafter, either directly or indirectly violate any of the provisions contained in this act, shall forfeit and pay for each offence fifty pounds, and be further liable to indictment ; which penalty may be recovered by any person who will first sue for the same, one half to such persons' own use, and the other half to the use of the state : *Provided,* such suit shall be commenced within one month from the time such offence shall be committed ; and if no person shall sue for said penalty within the time aforesaid, then and in that case, it shall be the duty of the solicitor or county attorney, upon information given, to commence suit for the whole of said penalty, for the benefit of the state, in any court having jurisdiction of said offence.

## CHAP. II.

An act to amend an act passed in the year one thousand eight hundred and two, entitled "An act to appoint Commissioners for the town of Smithfield in the county of Johnston."

WHEREAS, a large majority of the commissioners appointed by the above recited act have died or removed away : Therefore

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That five persons shall be annually chosen by the inhabitants of said town of Smithfield, to act as commissioners of the said town for one year ; and it shall be the duty of the sheriff of the county of Johnson, by himself or his lawful deputy, on the first Monday of February next, and on the first Monday of February in each and every year thereafter, first advertising the same for ten days at the court-house door of said county, to attend at the court-house in Smithfield and hold an election for that purpose, under the same rules and regulations as other elections are held in said county.

II. *Be it further enacted,* That all free persons who have resided in the town of Smithfield aforesaid, for one month immediately preceding the day of the election hereby authorized, shall be entitled to vote for five persons to act as town commissioners, who shall be freeholders and inhabitants of the town of Smithfield at the time of their election.

III. *And be it further enacted,* That the commissioners, when elected



and declared by the sheriff, shall convene thereafter as soon as possible, and enter upon the duties of their office, first taking and subscribing the following oath, before any justice of the peace of the county of Johnson: *I A B.* do solemnly and sincerely swear, that I will do and execute the office of Commissioner for the town of Smithfield, to the best of my skill and ability, so help me God.

IV. *And be it further enacted*, That the commissioners authorized to be elected by this act, and their successors in office, shall be a body corporate and politic, by the name of "The Commissioners of the town of Smithfield," and shall have and exercise all the power and authority which is provided by the act to which this act is an amendment, to be exercised by the commissioners appointed in virtue thereof.

V. *And be it further enacted*, That if the said sheriff shall fail or neglect to hold the election aforesaid, according to the provisions of this act, he shall forfeit and pay the sum of ten pounds, to be recovered in the name of any one of the commissioners last elected, to the use of said town of Smithfield, any thing to the contrary notwithstanding; and for the trouble incurred by the sheriff in holding said election for the commissioners aforesaid, the sheriff shall be entitled to receive of the proper officer, out of the funds of the corporation, the sum of four dollars annually; any law or custom to the contrary notwithstanding.

#### CHAP. LII.

An act to incorporate the town of Hookerton in Greene County

WHEREAS, William Hooker of the county of Greene, has caused a town to be laid out on his land on the south bank of Contentny creek, at the mouth of Rainbow creek, and exposed the Lots to public sale; and whereas, the said William Hooker is desirous that the said town should be incorporated,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the plan of the said town which was exhibited on the day of the sale of the lots, shall be established and confirmed as a true plan, and that the said plan, or a copy thereof, shall be deposited by the said William Hooker, in the office of the clerk of Greene county, whose duty it shall be to record the said plan in the books of his office, subject to the inspection of any person who may be desirous of inspecting the same: And said town is hereby incorporated into a township by the name of Hookerton.

II. *And be it further enacted*, That William Hooker, Henrick Hooker, Thomas Hooker, John M. Patrick and Charles Edwards, be and they are hereby appointed commissioners for said town, and upon the death, removal or refusal to act of any of the aforementioned commissioners, those that remain, or a majority of them, shall have power to elect new ones to supply the places of those who remove, die or refuse to act, and these when so elected as aforesaid shall be invested with the same power and authority as those appointed by this act.

III. *Be it further enacted*, That the said commissioners shall convene as soon thereafter as possible, and enter upon the duties of their office, first taking and subscribing the following oath: *I A B.* do solemnly and sincerely swear, that I will do and execute the office of Commissioner for the town of Hookerton to the best of my skill and ability, so help me God.



IV. *Be it further enacted*, That said commissioners and their successors in office shall be a body politic and corporate, by the name of "The Commissioners of the town of Hookerton," and shall have full power and authority to appoint a Treasurer, Clerk and such other officers as to them shall appear necessary for the regulation of the said town, and regulate the salaries of such officers.

V. *Be it further enacted*, That the commissioners shall have full power and authority to lay a tax upon all the property in said town, not exceeding fifty cents upon every hundred dollars value of real property, nor exceeding fifty cents upon every free taxable poll who resides in the said town; and it is hereby expressly declared to be the duty of the sheriff of said county to collect the same at the same time, under the same rules and regulations as he collects other taxes, and shall be entitled to the same fees as for collecting other taxes, and shall pay over to the treasurer of the board of commissioners, all such monies as he has received on or before the first day of October in each and every year, under the penalty of ten dollars, to be recovered by the treasurer of the board of commissioners, upon motion in open court, at the first court in the county of Greene, after such default shall happen.

VI. *Be it further enacted*, That the said commissioners shall have full power and authority to make such bye-laws, rules and ordinances for the good government of the said town, as to them may appear just and proper, not inconsistent with the laws of the state.

VII. *Be it further enacted*, That all fines and forfeitures which may be incurred under the ordinances of the commissioners of the said town, shall be enforced and recovered before any justice of the peace of the county of Greene, subject to appeal as in all other cases, and it is hereby declared and made the duty of the justices of said county to respect the same as far as they are consistent with the laws and constitution of the state.

VIII. *And be it further enacted*, That the said commissioners shall obtain from the clerk of the county court of Greene, a copy of the returns of the list of taxables and taxable property in the said town, for each and every year, and cause the same to be delivered to the sheriff within one month from the time the annual returns are delivered to him by the clerk of the court, with the rates of taxes by them imposed, which list shall be the guide of the said sheriff for collecting the internal taxes of the said town, and if such list, with the above rates are not delivered in due time, the said sheriff shall not be liable to any fine or forfeiture incurred under this act.

#### CHAP. LIII.

An act to revise and amend the laws heretofore passed for the Town of Smithville, so far as respects the appointment of Commissioners thereof, and to repeal the fifth, sixth, seventh and eighth sections of an act, entitled "An act respecting the Academy and town of Smithville, in Brunswick County."

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be the duty of the town clerk of Smithville, to give notice on or before the first day of January next, by advertisement at the court-house and two other public places in said town, that an election for five commissioners will be held at said court-house, on the second Monday of the same month, at which time and place, the clerk shall attend with two inspectors, to be chosen by him and one or more of the last elected commissioners of said



town; said clerk and inspectors shall take the following oath, to-wit.—*I. A. B.* do solemnly swear, that I will conduct the present election for town commissioners, fairly and agreeably to the directions of this law, to the best of my ability, so help me God. The said clerk and two inspectors shall forthwith receive from every free man owning a lot in said town, who may offer his suffrage, his vote by ballot for five commissioners, each of whom in nomination, shall be a freeholder in said town, and whose most usual residence for the space of at least six months preceding the election, shall have been in Smithville. The said election shall be opened at twelve o'clock, and continue open until four o'clock of the same day, when the poll shall be closed, and immediately the clerk and inspectors shall count the ballots as herein directed, and the five persons having the greatest number of votes, shall by said clerk be declared duly elected for the term of two years.

II. *And be it further enacted*, That if on casting up the votes for commissioners aforesaid, it shall be found that any two or more persons shall have an equal number of votes, then and in that case the clerk shall and may give the casting vote: The commissioners then and there elected, shall thenceforth continue in office during the term of two years thence next ensuing, any three of whom shall constitute a board for transaction of business; and said five commissions, previous to entering on duty, shall each take the following oath, viz.—*I. A. B.* do swear, that I will execute the office of a commissioner of the town of Smithville faithfully, impartially and truly, without favor or prejudice, and that I will, to the utmost of my power, in all things as a commissioner, act for the good of said town and well government thereof, to the best of my skill and ability, so help me God.

III. *And be it further enacted*, That there shall be, every two years, an election held at the same place and in the same manner as herein directed to be held in January next, for commissioners of said town.

IV. *And be it further enacted*, That all former acts, sections and clauses of acts, coming within the meaning and purview of this act, or contrary thereto, or to any part thereof, shall be, and the same are hereby repealed and made void; any law, usage or custom to the contrary notwithstanding, and this act shall be in force from and after the ratification thereof.

#### CHAP. LIV.

An act to incorporate a Company under the style of the "North-Carolina Commercial Company."

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That a company shall be established in the town of Fayetteville under the style of the "North-Carolina Commercial Company," the capital stock of which shall not exceed one million of dollars, divided into shares of one hundred dollars each, payable as follows; one fourth at the time of subscribing, one fourth in three months, one fourth in nine months, and the remaining fourth in twelve months from the day of subscribing, and the operations of the company to commence as soon as one hundred thousand dollars have been received.

II. *And be it further enacted*, That any subscriber or subscribers failing to make payment on the day appointed to receive the second instalment, shall forfeit his or her first payment to the use of the company, and on failure in like manner, to make payments on the third and last instal-



ments, such delinquent or delinquents shall not be entitled to receive dividends on the two first until the two last have been paid in with interest due thereon.

III. *And be it further enacted.* That the affairs of the said company shall be managed by a President and Directors, who shall have and possess a superintending power in all things pertaining to the general and internal administration of the affairs of the company, and shall from time to time make and ordain such laws, rules and regulations for the government of said company as may by them appear proper and expedient, to establish agencies at such places as may be deemed advisable, to fix the rate of salaries of the agents and clerks, and to declare dividends within three years, from the commencement of the operations of the company and for every year thereafter:

IV. *And be it further enacted,* That should the subscription exceed the number of shares constituting the capital stock, the commissioners herein appointed to receive subscriptions, or as many of them as may attend the first general meeting of stockholders, shall apportion the same so that each subscriber shall receive as nearly as may be a number of shares proportioned to his original subscription.

V. *Be it further enacted,* That a President and six Directors shall be annually appointed at the general meeting of the stockholders which shall be holden on the first Monday in July in each and every year, in the town of Fayetteville, and that the stock represented at the said meeting, shall be competent to make the appointments aforesaid, and that the stockholders shall be entitled to one vote for every share.

VI. *Be it further enacted,* That if any debt shall be contracted above the amount of the capital stock of said company, the Directors present and consenting to such increase of debt, shall be liable in their individual capacity for said excess, as well as the funds and stock of the company, and the said dissenting members shall be at liberty to enter upon the records of said company their dissent.

VII. *And be it further enacted,* That the subscribers to said company, their successors and assigns, shall be and are hereby created a body politic and corporate, and as such shall have and possess all the rights and privileges appertaining to bodies politic and corporate.

VIII. *And be it further enacted by the authority aforesaid,* That books for the reception of subscriptions to the stock of said company shall be opened at the town of Fayetteville, under the direction of James Seawell, Hugh Campbell, Henry Branson, John Winslow, Lewis D. Henry and John Eccles, and at such other places and under the direction of such other persons as they may think proper.

IX. *And be it further enacted,* That this act shall be in force for the term of twenty-one years.

#### CHAP. LV.

An act to authorize the County Courts of Wilkes and Brunswick to appoint a committee of Finance.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the justices of the courts of pleas and quarter sessions for the counties of Wilkes and Brunswick, be and they are hereby authorized and required at their first session, which shall happen after the first day of May, in each and every



year, to appoint three persons of integrity and capacity, to act as a Committee of Finance, whose duty it shall be to examine all the records, papers and documents in the offices of the clerks of the superior and county courts, sheriffs, county trustees, and all other officers and commissioners who have heretofore held money belonging to the said counties of Wilkes and Brunswick; and the said committee are hereby authorized and empowered to call on each and every of the officers and commissioners aforesaid, to lay before them the records, papers and documents respectively, as aforesaid for their inspection.

II. *And be it further enacted.* That it shall be the duty of the said committees of finance, to make a full investigation of all the financial concerns of the said counties, from the beginning of the year one thousand seven hundred and ninety-eight, up to the end of the present year, and to the end of each succeeding year for which the said commissioners may be appointed, and return to the said court, a full, fair and perfect statement thereof, designating therein, all balances or monies due by the county to individuals, as well as those due by delinquents to the counties.

III. *And be it further enacted.* That the said county court of Wilkes and Brunswick, shall direct the said committee to be paid such sum for their services as the said courts may deem just: *Provided*, that in the appointment of the said committees, as well as in making them the said compensation for their services, it shall be necessary that a majority of the acting justices in said counties shall be present.

IV. *And be it further enacted,* That if the said clerks, sheriffs, county trustees or other officers or commissioners as aforesaid, when respectively required thereto by the said committees of finance, shall refuse or neglect to lay before the said committees the records, papers or documents aforesaid, such clerk, sheriff, county trustee, or other officer or commissioner so refusing or neglecting, shall forfeit and pay the sum of one hundred pounds, to be recovered by the said committees, for the use of the counties, before any jurisdiction having cognizance thereof.

V. *And be it further enacted,* That it shall be the duty of the committees of finance hereby directed to be appointed, to institute suits for the recovery of all such monies as shall appear to them to be due from any of the officers in the counties of Wilkes and Brunswick, whose accounts they shall examine under this act, and take all lawful ways and means to recover such monies, and to recover the said monies, suits may be instituted in the counties of Wilkes and Brunswick against any person or persons who shall be found to owe the same, and also against his or their securities.

#### CHAP. LVI.

An act to authorise the County Court of Hertford to lay and collect a tax to defray the expenses of said county.

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the county court of Hertford shall and may lay and collect a tax annually, not exceeding eighty cents on every poll, and twenty cents on every hundred dollars value of real estate in said county, for the purpose of defraying contingent charges, which said tax shall be collected in the same manner, at the same time, and by the same person or persons who are appointed to collect the public tax, and to be paid into the hands of such person or persons as the county court shall from time to time hereafter direct: *Provi-*



ded, that a majority of the acting justices of the said county shall be present at the time of laying the same.

II. *And be it further enacted*, That all acts and clauses of acts coming within the meaning and purview of this act, be and the same are hereby repealed and made void.

#### CHAP. LVII.

An act to incorporate the Mount Arrarat Royal Arch Chapter, of the town of Murfreesborough.

WHEREAS, a number of individuals of this state have associated themselves together under the title of "Mount Arrarat Royal Arch Chapter," of the town of Murfreesborough in this state; and whereas, it is deemed essential to the well being of the said association, that they should be incorporated.

*BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the officers and members of the said Mount Arrarat Royal Arch Chapter, and their successors in office, are hereby created a body politic and corporate, to be known by the name and style of "The Mount Arrarat Royal Arch Chapter," of excellent and super-excellent Free Masons, No. 4 of Virginia, in the town of Murfreesborough.

II. *And be it further enacted*, That the said officers and members and their successors in office, shall have full power and authority to purchase, hold or convey, any real property, and by their said name of incorporation, as aforesaid, shall have perpetual succession, may sue and be sued, plead and be impleaded, and do all other acts and things which of right belong to a body politic and corporate; any law usage or custom to the contrary notwithstanding.

#### CHAP. LVIII.

An Act to invest the property of a Road or Causeway through the Dismal Swamp, from Camden to Currituck, in Wilson Surry, for the term of fifty years.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the said Wilson Surry, his heirs and assigns, to straighten the road or causeway, commonly called the old swamp road, leading through the dismal swamp, from Camden to Currituck, and to keep a gate on the same for the term of fifty years, and to take and receive from all persons passing the same, such rates of toll as have been heretofore receivable.

II. *And be it further enacted*, That as soon as the said Wilson Surry shall begin to receive toll, he, his heirs and assigns shall be liable for all neglect in keeping said road or causeway in good and sufficient repair, in the same manner, and to the same extent that overseers of roads are by law liable.

III. *And be it further enacted*, That unless the said Wilson Surry shall, within five years from the passing of this act, straighten the said road or causeway and put the same in such repair as shall be approved of by the courts of pleas and quarter sessions of Camden and Currituck, he shall forfeit all the rights privileges and benefits granted him by this act.



## CHAP. LIX.

An act to authorise the building of two Bridges across Trent River near the town of Newbern.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the devisees of the late Richard Dobbs Spaight and Mary Jones Spaight, who are the owners of the land on both sides of Trent river at Swimming Point near the town of Newbern, to erect a bridge across the river Trent and said Point, by themselves or in company with others, which Bridge shall have a well constructed draw overhanging the channel of said river, sufficient to admit the passage of all vessels ascending or descending the said river; and when the said Bridge shall be completed, it shall and may be lawful for the proprietors thereof to erect a toll gate thereon, or on some part of the road leading thereto, and the following shall be the usual rate of toll of said bridge: For a foot passenger, five cents; for a single horse or mule, ten cents; for a man and horse, fifteen cents; for a two wheel carriage drawn by one or two horses, mules or oxen, forty cents; for every four wheel carriage drawn by more than two horses, mules or oxen, one dollar; for all neat cattle, ten cents each, and for hogs and sheep, five cents each.

II. *And be it further enacted,* That when it shall be required by petition of the proprietors of said Bridge, the county court of Craven shall order the sheriff of Craven to summon a jury of good and lawful men to lay off a road from the foot of said bridge to some convenient place of intersection with the road which now leads from Newbern to Pembroke ferry: and should said road be laid off through the lands of any other person than the proprietors of said bridge, to assess such damages as the owner of said land may sustain thereby, to be paid by the proprietors of said bridge, and on its appearing to the satisfaction of the county court of Craven, that said road is a good and sufficient one, and in good repair, the same shall thenceforth become a public road.

III. *And be it further enacted by the authority aforesaid,* That Durant Hatch, Esquire, proprietor of Pembroke Ferry upon Trent River, in the county of Craven, be and he is hereby authorized to erect a Bridge across said river at Pembroke, from his land on the south, to the public road on the north side of said river, with a draw of not less than twenty-five feet width, where the water shall not be less than ten feet depth, to keep toll gates thereon, and to demand and receive the following tolls, viz.—For a foot passenger, five cents; for a single horse or mule, ten cents; for a man and horse or mule, ten cents; for a two wheel carriage drawn by one or two horses or mules or oxen, thirty cents; for a four wheel carriage drawn by two horses or mules or oxen, fifty cents; for a four wheel carriage drawn by more than two horses or mules or oxen, sixty cents; neat cattle, five cents each, hogs and sheep two and a half cents each, which rates may at any time be increased by the court of pleas and quarter sessions of Craven county.

IV. *And be it further enacted,* That when the said Bridges shall be built as aforesaid, the proprietors thereof for the time being, shall keep the same in good and sufficient repair, under the like penalty as other keeper of public bridges by the laws of this state.

V. *Be it further enacted,* That the bridges hereby authorized to be built, shall be completed for the passage of carriages within two years from the



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passage of this act, or the privilege and authority hereby granted, shall cease and determine, so far as regards the bridge not completed.

### CHAP. LX.

An act to incorporate the town of Stantonsburg in the county of Edgecomb.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the government of said town of Stantonsburg shall be vested in the following persons as commissioners, to-wit Willie J. Stanton, James Eastwood, John Parker, Blake Little, James Dickinson and Joshua Turnell.

II. *And be it further enacted,* That the said commissioners and their successors in office, appointed agreeably to the directions of this act, shall be and they are hereby incorporated into a body corporate, by the name of "The Commissioners of the town of Stantonsburg," and by such name shall have power from time to time, and at all times hereafter, to make such rules, orders, regulations and bye laws, and ordinances as to them, or a majority of them shall seem necessary, for the good government of said town.

III. *And be it further enacted,* That it shall be the duty of said commissioners generally, in all things to superintend the police of said town of Stantonsburg, and to support the peace and good order of its inhabitants, and others who may be there, and to suppress all riotous and disorderly assemblies, especially on the sabbath day.

IV. *And be it further enacted,* That the commissioners aforesaid, shall have full power and authority to lay such tax on the inhabitants of said town, and their estates within the same, as a majority of said commissioners may deem necessary, not exceeding fifty cents on each and every poll, and fifty cents on every hundred dollars worth of town property, for the payment of the town watch or patrol, or for such other purposes as the said commissioners may deem necessary for the benefit of said town.

V. *And be it further enacted,* That the said commissioners shall fix their stated meetings which shall be at least once in three months.

VI. *And be it further enacted,* That the said commissioners shall, when duly qualified, appoint one of their body to act as chairman, who shall have power at any time during the recess of their stated meetings to call a meeting of the board of commissioners.

VII. *And be it further enacted,* That at any meeting of said commissioners, that a majority of the members named in this act, shall be competent to carry the same into effect as if the whole number were present; any law to the contrary notwithstanding.

VIII. *And be it further enacted,* That the said commissioners, before they enter on the duties of their office, shall take and subscribe the following oath, before some justice of the peace: *I A. B. do solemnly swear (or affirm, as the case may be,) that I will faithfully perform the duties of a commissioner of the town of Stantonsburg, to the best of my ability and judgment, so help me God: And if at any time hereafter, any of the persons appointed commissioners by this act shall refuse to act or qualify, or should die or remove themselves away, or should be otherwise incapable of acting, the other remaining commissioners being duly qualified, shall fill up such vacancy by electing or appointing some other fit person residing in said town, which commissioners so elected or appointed according to the directions of this act, shall have and possess the same power and*



be under the like restrictions and penalties with those in whose stead they were appointed.

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#### CHAP. LXI.

An act directing the manner in which patrols shall in future be appointed in the county of Columbus.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act it shall be the duty of the captain or commanding officer of each militia company in the county of Columbus, at each muster, to appoint as patrols, such number of fit persons as he may think proper, not exceeding five for each company, whose duty it shall be to perform and do all the duties already enjoined by law on patrols, until the succeeding company muster; any law to the contrary notwithstanding: And the law which authorizes the patrols in the several counties in this state, to receive the sum of forty shillings for their services, and all public duties in the said county is hereby repealed, so far as extends to the county of Columbus.*

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#### CHAP. LXII.

An act to appoint additional commissioners for the town of Lumberton.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Richard C. Bunting, Doctor Willis Pope and William Hobly, be and they are hereby appointed commissioners for the town of Lumberton, and jointly with those now living in said town, shall have and exercise all the powers and authorities which have been vested in the commissioners heretofore appointed for the said town; any law to the contrary notwithstanding.*

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#### CHAP. LXIII.

An act to alter the time of holding the courts of pleas and quarter sessions of the county of Onslow.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the justices of the county court of Pleas and Quarter Sessions of Onslow county, at the close of the next term of the said court, shall adjourn the same to the first Monday in May, and all suits, pleas, issues and pleadings which may remain on the docket of the said court at the end thereof, shall stand continued to the said first Monday in May.*

*II. And be it further enacted, That the said court of Pleas and Quarter Sessions of Onslow, shall from and after the next term thereof, be held on the first Mondays in May, August, November and February, in each and every year, and all writs, subpoenas, recognizances, and all other proceedings returnable to said court shall be returned according to the provisions of this act, any law to the contrary notwithstanding.*

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#### CHAP. LXIV.

An Act to establish and confirm the judgment of the superior court of law of Mecklenburg county divorcing Richard Mason and his wife Margaret Mason from the bonds of matrimony.

*WHEREAS it appears from a transcript of a record legally authenticated, that Richard Mason of the county of Mecklenburg, filed his petition in the clerk's office of the superior court of law for said county, con-*



taining allegations and charges against his wife Margaret Mason, for committing the crime of adultery, and praying a divorce from the bonds of matrimony, and at March term of one thousand eight hundred and fifteen, of the said superior court of law of Mecklenburg county, the petition came on to be heard, and the allegations substantiated by evidence, and found true by a lawful jury impanelled for that purpose: Whereupon it was ordered, adjudged and decreed, that the petitioner, Richard Mason, be divorced and separated from the bonds of matrimony and nuptial ties heretofore contracted and entered into with the defendant Margaret Mason, which judgment, order and decree remains to be established and confirmed by an act of the General Assembly.

- *BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the order, decree and judgment of the superior court of law of Mecklenburg county, divorcing Richard Mason from his wife Margaret Mason, be and the same is hereby established and confirmed.

#### CHAP. LXV.

An act to alter the time of holding the Elections in the county of Person.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That in future the elections held for the county of Person, to elect members to the General Assembly and representatives to Congress, shall be held on the second Thursday in August: in each and every year, under the same rules and regulations that elections have heretofore been held for said county.

II. *And be it further enacted,* That so much of the act as respects the holding the elections on Thursdays and Fridays, be and it is hereby repealed and made void.

#### CHAP. LXVI.

An act to amend the act relative to the Overseers of the Poor in Northampton county.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the court of wardens for the county of Northampton, two thirds of the wardens being present, shall have power and they are hereby authorized to make such general bye laws, rules and regulations for the government of themselves, and for receiving, letting out and keeping of the parishioners, as they may think proper: *Provided,* the same do not contravene the laws and constitution of the state.

II. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the clerk and treasurer of the court of wardens, without any direction or order, (as directed in the fifth section of the before recited act) to lay before the county court, the lists and accounts required by the said act, under the penalty of fifty pounds each, to be recovered and applied as therein directed.

III. *And be it further enacted by the authority aforesaid,* That so much of the before recited act as directs the same to be given in charge by the county attorney to the grand jury is hereby repealed; and that this act shall be in force from and after the ratification thereof.



## CHAP. LXVII.

An Act to alter the time of holding the several separte elections in the county of Martin.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That in future, all the separte elections, established by law, in the county of Martin, shall be held on the second Thursday in August, in each and every year, and shall be conducted under the same rules, regulations and restrictions as are now prescribed by law.

II. *And be it further enacted,* That the Justices holding the county court of Martin next preceding the day of election, shall appoint one Justice of the Peace and two freeholders for each of the separte elections aforesaid, whose duty it shall be to superintend the same, count out the ballots, and certify to the sheriff the next day after the election at the courthouse in the town of Williamson, under their hands and seals, the number of votes which each candidate received, and the sheriff on the same day together with one or more of the inspectors so appointed, shall compare the said polls and declare the candidate who may be duly elected: any law to the contrary notwithstanding.

III. *And be it further enacted,* That in case the court should fail to appoint a Justice and two freeholders as herein before provided, or if so appointed they should fail to attend, then and in that case, it shall and may be competent for any Justice of the peace who may be present, to appoint three suitable and capable freeholders to be inspectors of the said election, who shall have the same powers and be under the same rules as those appointed by the court as aforesaid.

## CHAP. LXVIII.

An act for the better protection of the health of the inhabitants of the town of Smithville and its vicinity in Brunswick County

*WHEREAS* it is made known by the petition of the inhabitants of Smithville and its vicinity that the existing quarantine laws of this state are found to be inadequate for the purpose intended in regard to the prevention of contagious diseases being communicated to them by means of sudden arrivals of vessels from distant ports or places whereat dangerous contagious disorders prevail: In as much as on emergency it has been found impracticable to convene at Smithville a sufficient number of persons, lawfully appointed to give orders for examination of diseases, and quarantine when proper. It being also represented that the commissioners of navigation, to whom this trust is commonly confided, all reside at the remote distance of thirty miles from Smithville; and that, in regard to the power of Magistrates, three are required by law, but in general one only resides in said town, and none others near, and that consequently by deficiency of number and remote places of residence of lawful officers, the health and lives of the citizens are frequently jeopardized: For remedy whereof,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall and may be lawful for the five commissioners of the town of Smithville or any three or more of them, to have and possess all and every the powers and authorities which are at present vested in the commissioners of navigation for the port of Wilmington, so far as rea-



pects the appointment of a Health Officer, whose duty it shall be to board all vessels coming in over the main bar and dropping anchor within six miles of Smithville, and to order them, should he deem it necessary, to the quarantine ground, that shall be designated and declared as such by the commissioners of navigation for the town of Wilmington, which said quarantine ground shall not be within ten miles of the town of Smithville or within three miles of the old town of Brunswick :

II. *And be it further enacted*, In case the master of any vessel so ordered to perform quarantine, shall refuse to comply with or fail to fulfil the orders of the health officer for performing quarantine with his vessel as aforesaid, he shall forfeit and pay the sum of one hundred pounds for each day that he shall fail to perform the quarantine ordered by the health officer, as in this act directed, for which forfeiture or forfeitures the property of the said captain with the vessel and cargo shall be liable.

III. *And be it further enacted*, That as soon as any vessel ordered into quarantine shall drop anchor at the quarantine ground she shall be exclusively under the direction of the commissioners of navigation for the port of Wilmington, and the power and duty of the health officer appointed by the commissioners of the town of Smithville shall cease as regards said vessel.

IV. *And be it further enacted*, That the health officer for the town of Smithville shall be entitled to the sum of four dollars for each and every vessel he shall board under the provisions of this act ; which said sum of four dollars shall be paid by the master or commander of the vessel boarded, and in case of refusal of payment is hereby declared recoverable by warrant before any justice of peace.

V. *And be it further enacted*, That the certificate of good health given by the health officer of Smithville, shall be a permit to any vessel to proceed without further molestation or delay to the port of entry and delivery.

#### CHAP. LXIX.

An act to establish a town on the lands of George Denny in the county of Wilkes.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Meredith Thurmond, Jesse Allen, Benjamin H. Martin, and Solomon Sparks, be, and they are hereby appointed commissioners for the purpose of laying off a town on the lands of George Denny in the county of Wilkes, on the waters of North Hunting creek, by the name of Denneysville, and it shall be the duty of said commissioners or a majority of them as soon as may be, to lay off and exhibit a fair plan of said town in half acre, or acre lots on such part of the land of the said George Denney as they or a majority of them may think proper ; and when the said lots shall be so laid off, the same shall be at the entire will and free disposal of said commissioners, and the money arising from the sale of said lots to be applied to the use of the said George Denny : *Provided*, that the consent of the proprietor of the land, shall first have been obtained : *Provided nevertheless*, That the said George Denney shall at and before the laying out and selling the lots of the said town, execute to the commissioners aforesaid a good and sufficient title in fee simple for the purpose in this act mentioned, to the land upon which the said town of Denneysville is intended to be established :



## CHAP. LXX.

An act to authorise the persons therein named to erect gates across certain public roads.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That George Dunlap of the county of Anson be and he is hereby authorised and empowered to erect two gates on the public road running through and dividing his plantation on Rocky river in said county, one to be erected at or near the river, and the other on the high land at the mouth of the lane.

II. *And be it further enacted,* That William B. Alexander is hereby authorised by this act to erect a gate across the public road running through his farm in the county of Mecklenburg, and that Peter Parker, James White Sen'r, and David Jones of the county of Currituck or any two of them be, and they are hereby authorised and empowered to erect a gate across the public road on their marsh near Poyner's creek in said county of Currituck; any law to the contrary notwithstanding.

## CHAP. LXXI.

An act to establish Blakely Academy in the county of Chatham and to appoint and incorporate the trustees thereof

*BE it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Academy at Pittsboro' in Chatham county be and the same is hereby established and shall henceforth be known by the name of Blakely Academy.

II. *And be it further enacted,* That Edward Jones, John B. Mebane, John A. Ramsay, Samuel S. Jackson, Roderick Cotton, Charles J. Williams, Winship Steadman, William Scurlock, James Taylor and Zachariah Harmon be, and they are hereby declared to be a body politic and corporate to be known and distinguished by the name of the "Trustees of the Blakely Academy in the town of Pittsborough, Chatham county," and by that name shall have perpetual succession; and that they and their successors by the name aforesaid shall be able and capable in law to take, demand, receive and possess all moneys, lands or other donations which may be given for the use of the said academy, and the same apply according to the will of the donor, or as a majority of said trustees may deem most advantageous to the prosperity of the said Academy.

III. *And be it further enacted,* That the said trustees or a majority of them shall have full power and authority to make such rules and regulations for the government of said academy and the preservation of order and good morals as are usually made in such seminaries, and also to fill all vacancies which may happen by the death, resignation or removal out of the county, of any of the trustees of the said academy, whose powers when appointed shall be and are hereby declared equal in all respects to those appointed by this act.

## CHAP. LXXII.

An act to amend an act passed at the last session of the General Assembly, concerning the building of a new Jail in the county of Wilkes.

*WHEREAS* the before recited act directs the building of said Jail on some part of the public square in the town of Wilkesborough, and there being no convenient place on said square for building said jail,

*Therefore be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the



chairman of the county court of Wilkes is hereby authorised to receive from Major William P. Waugh and John Finley for the use of said county, a deed for a lot of land situate in the aforesaid town of Wilkesborough, as a donation from said Waugh and Finley for the purpose of building said Jail thereon.

II. *And be it further enacted.* That the commissioners or a majority of them named in the before recited act are hereby authorised to direct the building of the new jail on the aforesaid lot in the town of Wilkesborough, when conveyed by the said Waugh and Finley; any law to the contrary notwithstanding,

#### CHAP. LXXIII.

An act to amend an act passed in the year 1839, entitled, "An act for the better regulation of the town of Louisburg in the county of Franklin."

*BE it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That in case of the failure of the sheriff of said county of Franklin, to hold the election at any of the times provided for by the first section of the above recited act, it shall be the duty of the clerk of the court of pleas and quarter sessions of said county and two Justices of the Peace to hold said election at the court house in Louisburg, at such time as they shall deem proper, having given ten days previous notice by advertisement at the door of the said court house of the time of holding said election.

#### CHAP. LXXIV.

An act to establish a School by the name of New Prospect in Perquimons county.

*BE it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That Henry Hallowell, Christopher Wilson, William Perry, Thomas Overmon and Robert Perry be known and distinguished by the name of the Trustees of New-Prospect school near Oak grove on Little river and by that name shall have perpetual succession, and they or their successors, shall be able and capable in law to take, have and receive, possess, enjoy and demand any property real or personal and any monies or other things that shall be given for the use of the said school and the same to apply according to the will of the donor, to take, have, possess and enjoy to them and their successors forever. any lands, tenements of what kind or nature soever in special confidence that the same or the profits thereof shall be applied to and for the purpose of establishing and supporting the said school.

II. *And be it further enacted,* That the trustees aforesaid shall have full power and authority to make such bye-laws and regulations as they may think proper for the government of the said school not inconsistent with the laws of the state.

#### CHAP. LXXV.

An act to incorporate the Female Benevolent Society of Wilmington, North Carolina.

*BE it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That the individuals who are at present associated in the town of Wilmington with the view to secure to poor children and destitute orphans, a moral and religious as well as a common education: and also to adopt, support and provide with situations that are useful and not unfavorable to virtue, such children, as



in the opinion of the society, stand most in need of their patronage. under the name of "the Female Benevolent society of Wilmington, North Carolina." and those who hereafter may become members of the said association agreeably to the rules which may be therein established, be and the same are hereby incorporated into a body corporate and politic by the name of the "Female Benevolent Society of Wilmington, North Carolina." and as such shall have perpetual succession, may sue and be sued, be capable of acquiring and holding real and personal estate; have ability to make and ordain laws and regulations for their own government, and elect their own officers, and generally to do, receive and perform all such matters and things as rightfully belong to, or are usually incident to bodies corporate or politic within this State; any law, usage or custom to the contrary notwithstanding.

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#### CHAP. LXXVI.

An Act, to amend an act for establishing a town on the lands of Benjamin Wynns on Chowan River.

WHEREAS by the above recited act the Commissioners of said town were alone authorized to fill such vacancies as might occur by the death, resignation, or refusal to act of any of their body—and whereas the whole of said commissioners are since dead without having made such appointment as aforesaid.

*BE it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Joseph F. Dickinson, Laven Duer, Garrison M. Smith, James Copeland, James Rea, John Vann, and William B. Wynns, be, and they are hereby appointed Commissioners for the said town of Winton, and have all powers, privileges and authorities necessary for the regulation and good government of the said town.

*II. And be it further enacted,* That in case of the death, resignation removal out of the county or refusal to act of any of the above named commissioners, a majority of them shall have full power and authority to appoint others to supply their places, who when so appointed shall have all the powers, privileges and authorities as are by this act vested in the original Commissioners.

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#### CHAP. LXXVII.

An Act to establish two other separate Elections and to remove one of those already established in the county of Wake.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That there shall be established and held two other separate Elections in said county of Wake, for the purpose of electing members to the General Assembly, Representatives to Congress and Electors to vote for President and Vice President. (viz.) one at the house of Edward Tansil, Esq. and the other at the house of Lemuel Cook, Esq.

*II. Be it further enacted,* That the election now held at the place called Banks's old Store, shall in future be held at the House of Britton Sanders, Esquire.

*Be it further enacted,* That the Elections established and the one removed by this act, shall be held on the same day, and conducted under the same rules, regulations and restrictions as heretofore provided by law for holding elections in said county.



## CHAP. LXXVIII.

An Act to authorise the County Court of Pleas and Quarter sessions of the county of Camden to alter the places of holding separate Elections in said county.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the Court of Pleas and Quarter Sessions of Camden county is hereby authorised to alter the places of holding the separate elections in said county whenever they may deem it expedient and proper; and the said elections when so removed shall be governed by the same rules and regulations as are now prescribed by the existing laws for the regulation and government of separate elections in said county.*

## CHAP. LXXIX.

An Act to appoint Commissioners for the Town of Morganton in the county of Burke

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That John H. Stevely, Thomas Walton, Adolphus Erwin, John Caldwell, and Dr. Thomas Boshelle be and they are hereby appointed Commissioners for the Town of Morganton with full and ample powers and authorities to make such rules regulations and bye laws as were vested in the Commissioners heretofore appointed for the said town.*

## CHAP. LXXX.

An Act to amend an act, entitled "An Act to prevent the hauling of seines over thirty five meshes deep below Sneed's Ferry on New River in Onslow County."

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the above recited act shall only effect any person or persons hauling Seines with the intention of taking fish in their passage in and up said river as far as Sneed's Ferry, and any part of the above recited act coming within the meaning and purview of this act, be and the same is hereby repealed and made void.*

## CHAP. LXXXI.

An Act to establish and lay off a Town on the lands of Andrew Polk in the County of Anson,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Thomas Polk, David Curthbertson and Sanders Taylor, he, and they are hereby appointed Commissioners to lay off a town on the lands of Andrew Polk on Little Creek in the county of Anson, to be called and known by the name of Blakeleyville, and the aforesaid Commissioners or a majority of them be and they are hereby authorized to lay off said town into acre or half acre lots with convenient streets and alleys, as to them shall appear most advisable; and the said lots when so laid off shall be for the sole benefit and free disposal of the said Andrew Polk:*

## CHAP. LXXXII.

An Act to repeal an act passed at the last Session, entitled, "an Act authorising James Moore of the county of Martin to erect Gates on the road leading from Moore's Ferry, to Moore's Store in said County."

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the above recited act, be, and the same is hereby repealed and made void.*



## CHAP. LXXXIII.

An act adding other Commissioners to those already appointed by law, for the town of Hertford in Perquimans County,

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Isaac Barbor, Josiah Townsend, Theophilus Barrow, and Edward Wood, be, and they are hereby appointed Commissioners for the said town of Hertford, who shall have the same power and authority, and be governed by the same rules, regulations and restrictions as were prescribed for the Commissioners heretofore appointed for the government of the town aforesaid.*

## CHAP. LXXXIV.

An act to establish a Poor House in the counties of Craven, Currituck and Carteret, and for other purposes.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Wardens of the Poor, in the counties of Craven, Currituck and Carteret, or a majority of them, annually to lay a tax, not exceeding the Public Tax on the land, poll, and town lots in said counties, to be collected and accounted for as other taxes are in said counties, which tax, when collected shall be paid into the hands of the wardens aforesaid, who are hereby authorised with the proceeds of said taxes to procure a piece of land either by purchase or otherwise, and to build or cause to be built thereon, a house or houses, sufficient for the reception of the poor of said counties, under which denomination shall be comprehended all such persons of either sex, as shall be adjudged by the Wardens incapable through old age or other infirmities, to procure a subsistence for themselves; and the said Wardens shall appoint a keeper or overseer of said poor, whose business it shall be to preserve good order, see that they are humanely treated, and sufficiently provided for with good clothing, and wholesome diet, and to enforce all such regulations, as shall be established from time to time, for the well ordering and governing said poor, which regulations the said Wardens are hereby empowered to make, and the said keeper or overseer, for his services shall be allowed each year, such sum as the Wardens may deem adequate, to be paid out of the taxes laid for that purpose, and the keeper or overseer of said poor is hereby required to put to moderate labour such of the poor under their care as they shall judge capable to labour, and at the end of each and every year, shall account to the wardens of said counties on oath, for all sums which may have arisen from the labour of such poor, and have the same deducted from the amount of their expenditures; any law to the contrary notwithstanding.*

*II And be it further enacted, That upon complaint made by any citizen of said county to any justice of the peace, that any person is loitering about the county, following no visible trade or occupation whereby to acquire an honest livelihood, or that any loose or disorderly person has been seen eating, drinking or keeping company with slaves, or that any person has been sauntering about, or endeavouring to maintain themselves by gambling or other undue and unlawful means, or that any person keeps a house of ill fame, resorted to for the purpose of prostitution or lewdness, it shall and may be lawful for the said justice of the peace, to issue his warrant against any person so complained against, directed to any lawful officer in said counties to bring him or her before two justices of the peace for*



the said justices shall find the complaint well founded, they shall and are hereby authorised to bind said person over to the next county court, there to be proceeded against, as other persons charged with misdemeanors; and if it shall appear to the satisfaction of the court and jury that the charges exhibited against the said person are true, then and in that case, the court shall have full power, and are hereby authorized to sentence such person to the work house for any time not exceeding six months, to be kept at hard labour unless he or she shall find sufficient security, at the discretion of said court, in any sum not exceeding two hundred pounds for his or her good behaviour, upon giving which bond the court may fine the culprit not exceeding fifty dollars, and such fine and costs being paid, such culprit shall be discharged, and in case of conviction for keeping a lewd or disorderly house, such person shall not be authorised afterwards to keep a house for lodgers in said counties, without the consent of the Wardens of the Poor.

III. *And be it further enacted*, That all acts which come within the meaning and purview of this act, are hereby repealed and made void.

IV. *And be it further enacted*, That so much of an act passed in the year one thousand eight hundred and seven as gives authority to the Court of Pleas and Quarter Sessions, of Craven county to build a Poor House, and purchase ground there for, be, and the same is hereby repealed.

V. *And be it further enacted*, That so much of said act, as requires two thirds of the justices of Craven County to be present at any proceedings in relation to the jail of said county, under said act, be and the same is hereby repealed; and all powers by said act given to two thirds of said justices shall and may hereafter be executed by said court, a majority of the Justices of said court being present.

#### CHAP. LXXXV.

An act to regulate slaves navigating decked boats in Craven county.

WHEREAS the privilege afforded to slaves of navigating decked boats without the presence of a white man is frequently abused by the reception and speedy removal of property stolen from the shores, for remedy whereof.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That every owner, hirer or person employing a decked boat upon any of the waters of Craven county, no white man forming a part of the crew thereof, shall give a bond in the sum of fifty pounds, with at least one sufficient security, payable to the Chairman of the county court of Craven and his successors in office, with condition to be void if no stolen property shall be received on board such boat, while the same shall continue under the management of slaves, for the use of the person giving such bond which bond shall be sued for and recovered upon breach of the condition thereof, and the money recovered shall be applied one half to the use of the county, the other half to the use of the person suing therefor.

II. *And be it further enacted*, That if any person shall employ a decked boat upon the waters of Craven county, no white man forming a part of the crew thereof, without first giving such bond as required by this act, such person shall forfeit twenty pounds, to be recovered by any person suing for the same, in the name of such person, one half to the use of the County, the other half to the use of the person suing.

III. *And be it further enacted by the authority aforesaid*, That the court



said counties, and if upon hearing evidence for and against the parties they of Craven county whenever such bond is given, shall annually require such bond to be renewed with other or better security at the first term after notice of such order of renewal, the said boat shall be thenceforth considered as navigated in violation of this act, and the person so employing her shall be liable to the penalties of this act.\*

#### CHAP. LXXXVI.

An act authorizing compensation to tales Jurors in the county of New-Hanover.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That all persons summoned and attending the courts of the county of New-Hanover as tales Jurors shall be entitled to receive the same compensation as is by law allowed to original Jurors of said county for their services, to be certified and paid in the same manner as other Jurors.

#### LXXXVII.

An act to repeal an act to extend the liberties of the town of Halifax, so far as relates to Richard H. Long.

*WHEREAS* by an act of the General Assembly passed in the year 1799, the land and dwelling house of the said Richard H. Long, on the north side of Quanky Creek, and adjacent to the limits of the said town of Halifax, was included in the liberties thereof:

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of the above recited act passed in the year one thousand seven hundred and ninety-nine, as relates to R. H. Long is hereby repealed and made void.

#### CHAP. LXXXVIII.

An Act to incorporate Centre Library Society.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the persons now associated together in the county of Iredell as a Library Society and all such persons as may hereafter become members of said Society, shall be and are hereby declared to be a body corporate and politic by the name and style of the Centre Library Society, and as such shall have perpetual succession, may take and hold property as well real as personal; may by the style and name aforesaid sue and be sued; and may make such by laws not inconsistent with the laws and general policy of the state, for the regulation and government of their members, as the purposes of the institution may require.

#### CHAP. LXXXIX.

An act to erect a Poor House in the county of Lincoln and for other purposes.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the wardens of the Poor for the county of Lincoln and their successors are hereby incorporated into a body politic by the name of the Wardens of the Poor for the county of Lincoln, and by that name to have succession and by such name shall have power and authority to make such rules, orders, regulations and ordinances as to them shall seem necessary for the government of a Poor House to be erected for the Poor of said county: and shall have full power and authority to enforce the same, shall have power to acquire property both real and personal for the use and benefit



of said Poor House and the Poor of said county, and shall have power and authority to appoint a suitable person to superintend said Poor House and take care of the poor that may be admitted into said Poor House by the direction of the Wardens of said county.

II. *And be it further enacted*, That Robert Williamson, John Hoke and George Rush be appointed Commissioners with full power and authority to purchase a tract of land within five miles of the town Lincolnton in the county of Lincoln aforesaid, not exceeding two hundred acres, and have a good and sufficient title executed by the vendor in fee simple to the wardens of the poor of the county of Lincoln and their successors for the use of the poor of the county aforesaid. And the commissioners aforesaid are authorised and empowered to erect suitable buildings on the aforesaid tract of land or on some suitable part of the town commons of the town of Lincolnton which in their discretion may seem best; and if the commissioners aforesaid shall determine to erect the aforesaid buildings upon the town commons aforesaid they are hereby authorised and empowered to cause a lot not exceeding fifty acres to be surveyed and the title to the lot aforesaid for the purposes aforesaid is hereby declared to be vested in fee simple in the Wardens of the Poor and their successors for the use and benefit of the Poor of said county. And the aforesaid commissioners are hereby authorised to receive a sum not exceeding two thousand dollars from the treasurer of Lincoln county out of the money arising from the sales of lots in the town of Lincolnton for the purchase of the aforesaid two hundred acres of land and for the erection of suitable houses for the reception of the poor of said county. And the treasurer of said county is hereby directed to pay the sum aforesaid to the commissioners aforesaid for the purposes aforesaid.

III. *And be it further enacted*, That so much of an act passed by the General Assembly of the State of North-Carolina in the year of our lord one thousand eight hundred and sixteen as respects the purchase of a fire engine for the town of Lincolnton is hereby repealed.

IV. *And be it further enacted*, That the commissioners of the town of Lincolnton are authorised and empowered to receive from the treasurer of Lincoln county a sum not exceeding two hundred and fifty dollars, arising from the sale of lots in the town of Lincolnton, to be applied towards the purchase of a Fire Engine for the use of said town; and the treasurer for the county of Lincoln aforesaid is hereby directed to pay to the commissioners of Lincolnton the aforesaid sum of two hundred and fifty dollars and no more for the purchase of the engine aforesaid.

#### CHAP. XC.

An act to authorise the Wardens of the Poor for the County of Greene to lay a Tax for the support of the Poor for said County.

*BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That for the year eighteen hundred and eighteen, the Wardens of the poor for the county of Greene be and they are hereby authorised and empowered to lay a tax for the support of the poor of said county not exceeding fifty cents on the poll, ten cents on the hundred dollars value of land, and ten cents on the hundred dollars value of town property.

II. *And be it further enacted*, That said Wardens shall have full power and authority to lay a tax for any succeeding year or years on the valuation of lands, town property and on the poll, not exceeding the amount aforesaid for any one year, whenever the Wardens shall judge it



expedient or until the arrears for the support of their poor are fully discharged : and the said taxes shall be collected by the sheriff and paid over to the Wardens and by them applied solely to the use of the poor of said county : any law to the contrary notwithstanding.

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CHAP. XCI.

An act to remove and establish separate elections in the counties of Iredell, Buncombe, Stokes and Caswell

*Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That the separate election heretofore held at the house of Nicholas Norton in the county of Iredell shall hereafter be held at the house of Robert Johnson in said county ; and that the separate election heretofore held at Allen's Ferry, on French broad river in Buncombe county, be and the same is hereby removed to the Free Bridge about one mile below on said river ; and that a separate election shall be opened and held at the house of Henry Kitter in the county of Stokes, on the main road leading from Hauser town to the Shallowford on the Yadkin river ; and that a separate election shall be opened and held at the house of Quinton Anderson in Caswell county ; and that the said separate elections so removed and established shall be conducted under the same rules, regulations and restrictions as govern other separate elections in said counties.

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CHAP. XCII.

An act to amend an act passed in the year 1804, entitled " an act to establish an Academy in Greene County."

WHEREAS serious inconvenience attends the present management of this institution, arising in a great measure from a tardiness and neglect in some of the Trustees to attend the regular and proper meetings of its board ; for remedy whereof,

*Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the treasurer of the board for the time being shall be required to hold an election on the first Friday in March next, for six trustees of the said Academy.

II. *And be it further enacted,* That the treasurer shall advertise such election for four weeks, previously to its taking place, at three of the most public places in the vicinity of the academy, and if he fails either to advertise or hold such election, he shall forfeit and pay a sum not less than five, nor more than twenty dollars, at the discretion of the board of trustees, for the use and benefit of the said Academy.

III. *And be it further enacted,* That when six trustees shall be duly elected, it shall be the duty of the treasurer to divide them into three classes, two in each class ; and the seats of the first class shall be vacated at the expiration of one year after the election ; those of the second class, at the expiration of the second year ; and those of the third class, to expire at the end of the third year, unless re-elected.

IV. *And be it further enacted,* That on the first Friday of March, in each and every year, after the 1st of March next, it shall be the duty of the treasurer of the board, to hold an election at the academy, subject to the regulations and penalties prescribed in the second section of this act, for the choice of two trustees ; provided the old ones will not consent longer to serve, or in case they should not again be elected, to supply



the places of those whose seats may be vacated : and these when so elected shall have all the power and authority now exercised by the present trustees.

V. *And be it further enacted*, That all persons, who shall have given, or who hereafter may give the sum of five dollars to be applied as a benefit to the institution, shall have the privilege of voting for trustees at the annual elections appointed by this act.

VI. *And be it further enacted*, That each and every person shall be entitled to give one vote for every five dollars value by him or them so given, as a donation to the said institution : provided however, that no one person shall be allowed to give more than five votes, at any one election.

VII. *And be it further enacted*, That every free white man, who has subscribed and given the sum of five dollars to this institution shall be considered as eligible to a seat as trustee in said Academy.

VIII. *And be it further enacted by the authority aforesaid*, That the name of the academy be, and the same is hereby changed from "Greene" to that of Hookerton Academy.

#### CHAP. XXIII.

An act to incorporate the Newbern Steam Boat Company.

*BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That James McKinlay, Francis Hawks, John Devereaux, Asa Jones and John R. Donnell, Esq's. be and they are hereby appointed Commissioners to receive subscriptions for stock in the Newbern Steam Boat Company, and for that purpose they or either of them shall open a book in the town of Newbern on the fifteenth day of December in the present year, and shall keep the same open thirty days unless the whole number of shares be sooner subscribed. The stock of said company shall consist of four hundred shares of two hundred and fifty dollars each ; each subscriber shall pay down at the time of subscription, one hundred and twenty five dollars upon each share by him subscribed, and shall sign a written engagement to pay the balance on each share subscribed, to such person at such time and in such proportions as the President and Directors of said Company shall prescribe. As soon as the whole of said shares, or one fourth thereof shall be subscribed, the said commissioners or a majority of them shall call a meeting of the subscribers and such of said subscribers as shall be present at said meeting are hereby empowered to elect a President and six Directors for managing the business and concerns of said Company until the first Monday in January, one thousand eight hundred and nineteen ; and if the whole of the shares are not subscribed for, the President and Directors are hereby authorised to receive subscriptions at any time and place until the whole amount be completed.

II. *Be it further enacted by the authority aforesaid*. That the subscribers to the said company and their assigns shall be and are hereby incorporated into a Company to be called the "Newbern Steam Boat Company," and shall so continue for twenty one years, from the ratification of this act, and may sue and be sued as such, and by that name shall have perpetual succession ; after the first election herein directed, the said President and Directors shall be elected yearly by the stockholders at a general meeting to be held annually at Newbern on the first Monday in January, and in



case it shall happen that an election of President and Directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that reason be deemed to be dissolved, but the President and Directors last elected shall continue in office until an election shall be made; and in case of the death, resignation or absence from the state of a Director his place shall be filled by a new choice, by a majority of the Directors. If any proprietor shall refuse or neglect to pay the balance unpaid on his share or shares at such time and in such proportions as the President and Directors shall require, after notice by advertisement in some public paper for one month, the said President and Directors or a majority of them may sell at auction and transfer to the purchaser the share or shares of such proprietors so refusing or neglecting payment, giving at least ten days notice of the sale in one or more public papers, and after retaining the sum due and charges of sale out of the money produced thereby, shall pay the overplus, if any, to the former owners; and if the said sale shall not produce the full sum due and ordered and directed to be advanced as aforesaid, with incidental charges, the said President and Directors or a majority of them may sue for in the name of the company and recover the balance before any jurisdiction having cognizance thereof; and the said purchaser or purchasers shall be subject to the same rules and regulations as if the sale and conveyance had been made by the original proprietor.

III. *And be it further enacted.* That the President and Directors or a majority of them or their successors shall have power and authority to purchase or build and to navigate upon the waters of this state such number of boats or vessels propelled through the water by force of steam for the transportation of passengers and commodities and towing boats and vessels as they shall think proper; to appoint a treasurer, clerk and such other officers, managers and servants as they shall judge requisite; to agree for and settle their respective wages, to call general meetings of the Stockholders; to assess and by their agents and servants to demand and receive passage money and freight for persons and commodities carried in their Steam Boats, and compensation for boats or vessels towed or for other services rendered by their Steam Boats; to make rules and regulations from time to time for the transfer and alienation of the stock of said corporation; to make dividends of the profits of said stock when they shall think fit; and to make and establish rules of proceeding and to transact all other business and concerns of said company in and during the intervals between the general meetings of the same. The Treasurer and other officers shall give bond in such penalty and with such security as the President and Directors or a majority of them shall direct for the true and faithful discharge of the trust reposed in them. At all general meetings every member shall be allowed one vote for every share, and any proprietor by writing executed before a subscribing witness and proved or acknowledged before a justice of the peace or notary public, may depute another member to act as proxy for him or her at any general meeting, and the presence and acts of such proxy shall be effectual to all intents and purposes as the presence and acts of the principal.

IV. *And be it further enacted,* That this act shall be in force immediately from and after the ratification thereof.

V. *And be it further enacted,* That nothing herein contained shall be construed to impair the right of any citizen to any ferry under the laws of this state.



## CHAP. XCIV.

An act to empower the County Court of Gates, to lay a tax on the inhabitants of said county, for the purpose of building a House for the reception and employment of the Poor thereof, and for other purposes.

*BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the Court of Gates County is hereby authorized to lay a tax annually for three years, if deemed necessary by the said court; that is to say, for the years one thousand eight hundred and eighteen, one thousand eight hundred and nineteen, one thousand eight hundred and twenty, not exceeding twenty cents on each poll and eight cents on every hundred dollars valuation of lands.

II. *Be it further enacted,* That the said County Court have full power to appoint such commissioners as they may think proper to purchase lands within five miles of Gates Court-House, as the court may direct for the purpose of erecting suitable buildings for the reception of the poor of said county, and take a deed thereof from the proprietors, or owners in the name of the chairman of said court for the benefit of said county; and the commissioners are hereby further authorised to use their discretion with respect to the size and dimensions of said house or houses, and manner of erecting the same.

III. *Be it further enacted,* That when the said house or houses may be completed, it shall be under the care and management of the Wardens of the poor of said county, to admit therein such persons as they may think proper objects of charity, and provide suitable provisions, lodging and apparel for them, and make such arrangements for their useful and convenient employment as to them may appear most reasonable for the support of said poor, and the wardens shall make due settlement annually with the court of the county, or persons appointed by said court for that purpose, stating fairly all the expenses and emoluments that have arisen the year past.

IV. *And be it further enacted,* That if any of the commissioners hereafter to be named by said court shall die, remove or refuse to act, it shall be lawful for the said court of the said county to appoint any other person or persons in lieu of such commissioner or commissioners as resigned, removed, or died as the case may be.

## CHAP. XCV.

An Act to establish the Fairfield School on Loosing Swamp in the County of Lenoir, and to incorporate the Trustees thereof.

*BE it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That Joseph Elliott, Alexander Mosely, Alexander Kilpatrick, Nathan G. Blount, William Wayne, Simon Parrott, and Simon Bruton, and their successors, be, and they are hereby declared to be a body politic and corporate to be known and distinguished by the name of the President and Trustees of the Fairfield School, and by that name shall have perpetual succession, and shall be able and capable in law to have, receive and possess any quantity of land and tenements, goods, chattles and monies that may be given to them, and apply the same according to the will of the donor and dispose of the same when not forbidden by the terms of said gift; they may sue and be sued, plead and be impleaded in any court of law within this state; shall have power to appoint other or more trustees and to fill the place of such



as may die, remove, resign, or be incapable of acting; and to establish such laws and regulations for the government of said institution as may be necessary for the preservation of order and good morals; elect a professor or professors, tutors and other officers and do and perform all such acts and things as are incident to and usually exercised by bodies politic for the accomplishment of the subject contemplated.

CHAP. XCVI.

An act for the better regulation of Sailor boarding houses in the Town of Wilmington, and for other purposes.

*BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That in future no person or persons whatsoever shall keep or cause to be kept in the town of Wilmington a house of entertainment for any sailor or seaman or shall in any way entertain or suffer said sailors or seamen to stay on any conditions in his her or their house without first obtaining a licence for that purpose from the commissioners of said town, and upon failure thereof that he she or they shall be subject to a penalty of one hundred dollars, to be recovered by the chairman of said commissioners in any court of record in this state, to the use of the poor of said town; and for every offence thereafter that he she or they shall be further subject to the additional penalty of twenty five lashes on his her or their bare backs.*

11. *And be it further enacted,* That on application of any person or persons for a licence aforesaid, he she or they shall offer satisfactory testimony of their good character and deportment and shall enter into bond with good and sufficient security with the chairman of the Commissioners of said town, in the sum of five hundred dollars conditioned to be void upon his her or their not entailing away in any manner, any sailor or seaman from his employer, or by secreting him or inducing him to abscond or to drink or gamble in such manner as to neglect his business: to be recovered by action of debt in any court of record within this state to the use of the person or persons who may be injured by the keeper or keepers of said house, and when the said bond shall have been given it shall be the duty of the Commissioners of said town to grant without delay a licence to the applicant or applicants for the term of one year to be renewed annually on application upon the conditions aforesaid. And all acts or clauses of acts coming within the meaning and perview of this act be and the same is hereby made void, and of no effect.

*Read three times, and Ratified in Ge- } B. VANCEY, S. S.  
neral Assembly, 23d Dec. A. D. 1817. } JAS. IREDELL, S. H. C.*

A True Copy, WILLIAM HILL, Secretary.



## RESOLUTIONS.

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### NORTH-CAROLINA.

IN SENATE, December 19th, 1817.

*Resolved*, That the resolutions of the last General Assembly directing certain surveys to be made of the Albemarle, Croatan and Pamlico sounds, be and they are hereby continued in full force : and the Commissioners named in the said resolutions are requested to have the said surveys made, and make report to the next General Assembly.

*Resolved*, That the resolutions of the last General Assembly directing surveys to be made of the Roanoke, the Tar, the Cape Fear, the Yadkin, and the Catawba rivers ; also directing surveys to be made of the country between Rocky River and the Catawba ; and between the Yadkin and the Cape-Fear ; with a view of ascertaining the practicability of uniting those rivers by canals ; and also directing the employment of a principal Engineer for the State ; and the purchase of charts and maps, be and the same are hereby continued in full force : and Peter Brown, John Haywood, Joseph Gales, William Boylan and Archibald D. Murphey, Esquires, are hereby appointed Commissioners to carry the said resolutions into effect. And the said Commissioners shall have power to employ one or more Engineers for that purpose.

*Resolved*, That the said Commissioners be and they are hereby requested to have surveyed the ground between the Roanoke at or near Plymouth and Pungo river, and ascertain whether it be practicable to unite the said rivers by a canal, and the probable cost of such canal.

*Resolved*, That the said Commissioners be requested to have the necessary surveys made to ascertain whether it be practicable to unite by canals the waters of Roanoke with those of Tar river : and the waters of Tar river with those of the Neuse river ; and to have such other surveys made connected with the main objects of these resolutions, as in their opinion may be useful for the information of the Legislature. And that they make report to the next General Assembly.

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IN SENATE, December 18th, 1817.

*Resolved*, That as soon as the fire proof House shall be completed, and received for use, that the Secretary of State shall have the exclusive use of such number of rooms therein as may be designated for that purpose by His Excellency the Governor.

*Resolved further*, That when such rooms shall be designated in the fire proof house for the Secretary of State, all the books, papers and documents belonging to the office of Secretary of state shall be constantly



## RESOLUTIONS.

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Kept therein. And the rooms now occupied by the Secretary of State in the State-House shall thereafter be set apart for the use of the Committees of the General Assembly and the Engrossing Clerks.

## NORTH-CAROLINA.

The select joint committee who were appointed to draw up rules and regulations to be observed in the Library of the State, and to lay out the annual fund set apart for the increase of said Library, Report :

That they have performed the duties assigned them, and recommend to the two Houses to adopt the following Resolutions :

*Resolved.* That the following rules and regulations be observed in the Library of the State :

1st. The Library shall be opened every day during the Session of the General Assembly from nine o'clock in the morning to three o'clock in the afternoon.

2nd. It shall be the duty of the Librarian to label and number the books, place them on the shelves, and preserve due lists and catalogues of the same. He shall also keep a due account and register of all issues and returns of books as the same shall be made, together with regular accounts of all expences incident to the said Library for fuel.

3rd. Books to be issued by the Librarian pursuant to law shall be returned as follows :

A Folio within two weeks.

A Quarto within one week.

An Octavo, or Duodecimo, within four days.

And no person authorized to receive books shall receive more than one folio, one quarto, or two octavos or duodecimos within the terms aforesaid ; unless so connected as to be otherwise useless. And every person detaining a book beyond the specified time shall forfeit and pay for such illegal detension as follows, to wit :

A Folio, one dollar per day.

A Quarto, fifty cents per day.

An Octavo, or Duodecimo, twenty five cents per day.

Which forfeiture or penalty may for good cause be remitted by the Speakers of the two houses for the time being, in whole or in part, as the case may require.

4th. Books returned shall be delivered to the Librarian, to be examined whether damaged or not.

5th. If the books returned be damaged, the person returning it shall not be entitled to receive another until the damage for the first be satisfied.

6th. No book shall be issued within three days of the close of any session of the Assembly, and all books shall be returned three days before the close of the session, whether the time allowed for the use thereof be expired or not.

7th. During the session of the General Assembly the clerks of the two Houses shall upon their respective responsibility be entitled to receive for the use of their respective houses, one copy of the Acts of the Assembly, and one copy of the Journals of the two Houses, which said acts and



Journals shall be duly returned to the Librarian by said clerks within ten days after the close of the session for which they shall be drawn.

8th. There shall be retained in the Library all Charts, Maps, Plates, and Engravings, and the Books accompanying the same. Of these none shall be taken from the Library by any person without special permission in writing from the Speakers of the two Houses, except in case where the presiding officer of either House may require any of them for the immediate use of the House.

9th. It shall be the duty of the Librarian four days before the termination of every session of the General Assembly to present to any member of the Assembly a list of the books which he has received from the Library and not returned.

10th. The Librarian shall three days before the termination of any session of the General Assembly, furnish the Speakers of the two houses with a list of the names of such Members of the Assembly as shall not have returned the books received from the Library, together with a description of the value of such books, and also of the value of the set to which they may belong; and of the amount of the fines with which they may stand charged. And it shall be the duty of the Speakers of the two houses in signing the accounts of the members of their respective houses, to retain a sum equal to double the value of the books retained.

11th. All monies arising from forfeitures shall constitute a part of the Library fund; and the Librarian shall annually present to the joint committee of the two Houses charged with the disposition of the Library fund an accurate statement of all monies received during the preceding year arising from forfeitures under the foregoing rules.

12th. Until otherwise ordered the said Library shall be kept exclusively for the use of the General Assembly, the Governor, Heads of departments, Judges and members of the Supreme court.

*Resolved further,* That the Commissioners appointed to contract for and superintend the erection of the fire proof house in the public square be and they are hereby directed to have one of the rooms in the said house fitted up for the Library of the State.

*Resolved,* That the Treasurer pay the amount directed to be applied annually towards the increase of the Library to the order of the chairman of the Joint Committee of the two Houses charged with the disposition of the Library fund.

Respectfully submitted,

*J. D. MURPHY, Chairman.*

IN SENATE, DECEMBER 19th, 1817.—Read and resolved that this House do concur therewith.

*B. FANCY, S. S.*

By Order.—*ROBT. WILLIAMS, C. S.*

IN HOUSE OF COMMONS, DECEMBER 20th, 1817.—Read and resolved that this House do concur therewith.

*JAS. IREDELL, S. H. C.*

By Order.—*P. HENDERSON, C. H. C.*

*The foregoing is a correct copy.—Test.*

*ROBT. WILLIAMS, C. S.*



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